

MINNEAPOLIS CITY COUNCIL OFFICIAL PROCEEDINGS

REGULAR MEETING OF OCTOBER 6, 2006

(Published October 14, 2006, in *Finance and Commerce*)

Council Chamber

350 South 5th Street

Minneapolis, Minnesota

October 6, 2006 - 9:30 a.m.

Council President Johnson in the Chair.

Present - Council Members Hofstede, Ostrow, Schiff, Lilligren, Glidden, Remington, Benson, Goodman, Hodges, Samuels, Gordon, President Johnson.

Absent - Council Member Colvin Roy.

Lilligren moved adoption of the agenda. Seconded.

Adopted upon a voice vote 10/6/2006.

Absent - Colvin Roy.

Lilligren moved acceptance of the minutes of the regular meeting held September 22, 2006 and the adjourned session held September 22, 2006. Seconded.

Adopted upon a voice vote 10/6/2006.

Absent - Colvin Roy.

Lilligren moved referral of petitions and communications and reports of the City officers to the proper Council committees and departments. Seconded.

Adopted upon a voice vote 10/6/2006.

Absent - Colvin Roy.

PETITIONS AND COMMUNICATIONS

COMMUNITY DEVELOPMENT (See Rep):

COMMUNITY PLANNING & ECONOMIC DEVELOPMENT (271521)

Land Sales: 2542-17th Ave S; 2305-09 - 5th Ave S amendment to sale approved 10/21/2005.

Land Transfer: 1411 E 18th St.

Side yard Parcels: Authorizing pilot program and property list.

2006 Emergency Shelter Grant Fund: Funding recommendations.

North Washington Industrial Park (1300 N 2nd St): Authorizing redevelopment contract & land sale documents consistent with amended term sheet.

Target Center Zamboni: Authorizing agreement with Mpls Park & Recreation Board for use, storage, maintenance & transportation of zamboni machine.

COMMUNITY DEVELOPMENT and WAYS & MEANS/BUDGET (See Rep):

COMMUNITY PLANNING & ECONOMIC DEVELOPMENT (271522)

Ripley Gardens Apartments/Marshall Stacey Town Homes Tax Increment Finance Plan (vicinity of 300 Queen Ave N): Modification No. 1 to TIF Plan.

Graco Inc: Issuance of Tax Increment Pay-As-You-Go Note for Phase Two of redevelopment contract.

NEIGHBORHOOD REVITALIZATION PROGRAM (NRP) (271523)

Sheridan Phase II NRP Neighborhood Action Plan.

West Calhoun Phase I Neighborhood Action Plan Modification #3.

HEALTH, ENERGY AND ENVIRONMENT:

HEALTH AND FAMILY SUPPORT SERVICES (271524)

Emergency Preparedness: Quarterly Update; and Report on pandemic influenza and emergency planning at State level.

REGULATORY SERVICES (271525)

Minneapolis Energy Challenge: Update Report from Center for Energy and Environment.

HEALTH, ENERGY AND ENVIRONMENT (See Rep):

HEALTH AND FAMILY SUPPORT SERVICES (271526)

Public Health Advisory Committee: Approve City Council appointment of Gavin Watt, Ward 1.

HEALTH, ENERGY AND ENVIRONMENT and WAYS & MEANS/BUDGET (See Rep):

HEALTH AND FAMILY SUPPORT SERVICES (271526.1)

Public Health Laboratory Services: Execute revenue contract with Hennepin County for the City to continue providing lab services to County through December 1, 2010.

School Based Clinic Program: Grant Lori Carlson Step 7 of Nurse Practitioner salary schedule.

INTERGOVERNMENTAL RELATIONS:

INTERGOVERNMENTAL RELATIONS (271527)

2007 State Legislative Agenda: Mpls Transportation Funding issues; Public Finance issues update.

INTERGOVERNMENTAL RELATIONS (See Rep):

ATTORNEY (271528)

Minneapolis City Charter: Ordinance amendments establishing a Department of Public Works and creating the position of Director of Public Works, amending Chapters 3, 8, 9, 10, 16 & 19.

PUBLIC SAFETY AND REGULATORY SERVICES (See Rep):

INSPECTIONS DEPARTMENT (271529)

Chapter 249 Property at 1830 Bryant Av N: Authorize demolition; and Deny request by owner for a stay of demolition decision, pending an appeal.

INSPECTIONS DEPARTMENT (271530)

Chapter 249 Property at 2815 14th Av N: Authorize rehabilitation, subject to conditions.

INSPECTIONS DEPARTMENT (271531)

Chapter 249 Property at 3712 28th Av S: Authorize demolition.

LICENSES AND CONSUMER SERVICES (271532)

Nochee: Deny application and conditions to upgrade entertainment class for outdoor seating area from Class E to Class C-1 to allow up to five non-amplified musicians.

Sidewalk Cafes: Ordinance amending Title 13, Chapter 265 of Code repealing the prohibition that sidewalk cafe permits not be issued to any establishment holding an "on sale" liquor, wine or beer license located within 200 feet of a residentially zoned district.

Licenses: Applications.

LICENSES AND CONSUMER SERVICES (271533)

Taxicab Licenses: Passage of Ordinance amending Title 13, Chapter 341 of Code repealing the requirement for public convenience and necessity hearings; increasing the authorized number of licenses issued, including requirements for wheelchair accessible, fuel efficient and alternative fuel taxicabs; amending the reference to seasonal licenses while deleting the reference to limited licenses; and repealing section which authorizes additional taxicabs to conduct studies concerning taxicab service and fares; and Authorize convene a task force, with a report back to Committee in 60 days.

REGULATORY SERVICES (271534)

Rental Dwelling License at 2510 4th St N: Concur with Rental License Board of Appeals to revoke license held by Randolph Anderson & Urban Choice Apartments LLC.

STATE OF MINNESOTA (271535)

Uncle Bill's Market (2428 Plymouth Av N): Official Record from Office of Administrative Hearings in the matter of Grocery and Tobacco Dealer Licenses; Revoke Grocery and Tobacco Dealer Licenses; and Deny request by licensee for a stay of revocation decision, pending an appeal.

TRANSPORTATION AND PUBLIC WORKS:

PUBLIC WORKS AND ENGINEERING (271536)

Special Service Districts: Set public hearing for 10/24/06 for the purpose of assessing proposed services and service charges for 2007 for the Uptown (Hennepin-Lake), Dinkytown, Central Av, Stadium Village, S Hennepin Av, Riverview, 48th St E and Chicago Av S, Linden Hills (43rd St W and Upton Av S), and Hennepin Theatre District Special Service Districts.

Nicollet Mall Assessments: Set public hearing for 10/24/06, for the purpose of assessing charges for improvement, maintenance, and operation of the Nicollet Mall.

Establishing Bloomington-Lake Special Service District: Reschedule public hearing to 10/24/2006.

Establishing Chicago-Lake Special Service District: Reschedule public hearing to 10/24/2006.

TRANSPORTATION AND PUBLIC WORKS (See Rep):

PUBLIC WORKS AND ENGINEERING (271537)

Special Boulevard Permit: Grant application of Bachman's Inc. to pave three-foot wide boulevard with concrete sidewalk at 6010 Lyndale Av S.

Land Exchange: Convey City-owned parcels (2000 W River Rd N, 1-17th Av N, and 2-17th Av N) to Minneapolis Park and Recreation Board (MPRB) in exchange for land owned by MPRB; and execute Quit Claim Deed.

PUBLIC WORKS AND ENGINEERING (271538)

Water and Sewer Service Line Repairs: Adopt assessments, levy assessments, adopt assessment rolls; Comments.

Nicollet Av S Special Service District: a) Approve special services and cost estimates for 2006 and 2007; b) Approve service charges and list of service charges for 2006 and 2007; and c) Direct City Engineer to proceed with the work; Comments.

RFP for Commissioning Services: Issue RFP for the design and construction of Hiawatha Public Works Facility (1901 E 26th St) to achieve Leadership in Energy and Environmental Design (LEED) certification.

Richfield Road Reconstruction Project: Amend contract with Shafer Contracting Co., Inc. by \$91,284.85.

Lake Street Streetscape Petitions: a) Accept Base and Enhanced Level Streetscape Petitions from abutting property owners; b) Direct City Engineer to proceed with design; and c) Approve establishment of Special Service District for Lake St (Dupont Av S to Blaisdell Av S) and Lyndale Av (W 29th St to W 31st St).

XCel Energy/NSP (271539)

Utility Pole: Install one (1) 30' pole and night watch light at 3759 Chicago Av per customer request; Design #10823375.

Utility Pole: Install one (1) 40' pole and one (1) span of 2 ACSR Primary & Neutral from existing pole to new pole in alley between Hillside Av N & Willow Av N at Logan Av N; Design #183410-1.

Utility Poles: Install two (2) 40' 4 poles along 24th Av NE and one (1) 45' 4 pole 45' north of 24th Av in the alley. Install 50' 3 pole in alley between 23rd Av NE and 24th Av NE; S.R. #541150.

Utility Pole: Install one (1) 45' 4 pole in the alley of north 31st St W between France Av S and Ewing Av S to relocate overhead facilities; Design #187695.

Utility Poles: Install two (2) 30' poles along Drew Av S between 38th St W and 39th St W for City-requested installation of new street lights; W.O. #10855319.

TRANSPORTATION AND PUBLIC WORKS and WAYS & MEANS/BUDGET (See Rep):

PUBLIC WORKS AND ENGINEERING (271540)

Second St SE Sanitary Sewer Project No 4421: a) Order City Engineer to proceed and do the work and adopt the special assessments; b) Request Board of Estimate and Taxation to issue and sell assessment bonds; and c) Increase appropriation.

Donation of Fencing: Accept partial perimeter security fence system from Zareba Security Systems.

Closing 1998-2004 Parkway Paving Programs: Close out programs; and appropriate remaining funds to 2006 Parkway Paving Program.

Bids: Accept: a) OP 6664, low bid of Thomas and Sons Construction, Inc., for Chicago Av Streetscape Project; b) OP 6667, low bid of Egan Companies, Inc. for replacement and installation of light fixtures at Orchestra Hall and Plaza Municipal Parking Ramps; and c) OP 6669, low bid of Minnesota Petroleum Service, Inc., for an E-85 vehicle fueling system at Currie Maintenance Facility.

WAYS AND MEANS BUDGET (See Rep):

ATTORNEY (271541)

Ethical Practices Board: Appointments of Thomas Schumacher and Patricia Kovel-Jarboe.

Legal Settlement: Alan Thomas v. Jomar Villamor, Doug Dubay, and the City of Minneapolis.

Reimbursement of Legal Fees: Payments to Douglas R. Peterson for legal services: a) Council Member Schiff \$3,487.50; and b) Council Member Goodman \$2,512.50.

Fraud/Ethics Reporting Line: a) Receive and file report; b) Approve staff directions to select a vendor, make funding recommendations, implement the reporting line enterprise wide, and to provide semi-annual reports on utilization.

BUSINESS INFORMATION SERVICES (BIS) (271542)

Unisys Contract: Amendment increasing Contract C-18881 to expand the current Stellent Record Management system to a full-fledged enterprise system.

COMMUNITY PLANNING & ECONOMIC DEVELOPMENT (271543)

Empowerment Zone Governance Board Appointments: a) approve the recommended appointments of Edward L. Anderson, Jeffrey A. Washburne, and Shirlynn M. LaChapelle to the board for 3-year terms expiring September 20, 2009; and b) reopening the process for resident representatives.

Empowerment Zone Grant Funds: a) concurrence with recommendation to approve funding of the Pillsbury United Communities proposal; and b) authorize execution of a contract with Pillsbury United Communities setting forth the terms and conditions of the agreement.

HUMAN RESOURCES (271544)

Parker Rosen L.L.C.: Amendment increase Contract C-23271 amount not to exceed \$125,000 for services regarding complaints against Chief Bleskachek.

Minneapolis Police Officers Federation: Execute 3 year collective bargaining labor agreement, effective October 15, 2005 through October 14, 2008.

ZONING AND PLANNING (See Rep):

INSPECTIONS/BOARD OF ADJUSTMENT (271545)

Appeals: Kathleen Geagan (4601 33rd Ave S): re decision of the Board of Adjustment denying applications for variances.

William and Lisa Lundberg (2223 49th St W): re decision of the Board of Adjustment approving an application for a variance.

PLANNING COMMISSION/DEPARTMENT (271546)

Appeal: Stop-N-Shop (1700 E Lake St): re decision of the Planning Commission denying applications for an expansion of a nonconforming use; variances and site plan review.

Interim Ordinance (Moratorium): Ordinance amending Title 21 of the Minneapolis Code of Ordinances relating to Interim Ordinances, by adding a new Chapter 580 providing for a moratorium on new construction in the area of South Minneapolis bounded by Nicollet Ave (east and west Alley to Alley) from Franklin Ave on the north to the Midtown Greenway/Hennepin County Regional Railroad Authority (HCRRA) on the south.

Vacations: Metro Transit (A portion of Lyndale Ave N and 8th Ave N): Right-of-way for construction of an addition to an existing building located at 629 8th Ave N.

Steve Holt (1401 29th Ave NE): A 6-foot section of Buchanan St NE for expansion of a garage.

Environmental Assessment Worksheet (EAW): 602 First Street North Renovation (602 1st St N): Recommendation that development of an Environmental Impact Statement not be ordered for renovation of an existing warehouse.

FILED:

EXECUTIVE COMMITTEE (271548)

Minneapolis Police Chief: Mayor's nomination of Timothy Dolan for consideration for appointment to Chief of Police. Receive and file.

Interim Police Chief: 90 day re-designation of Tim Dolan, effective October 15, 2006 through January 13, 2007. Receive and file.

HENNEPIN COUNTY HOUSING COMMUNITY WORKS & TRANSIT (271547)

5th St N, 417 (Dean Michalko, P.E.) portion of existing alley 29th St Corridor (Midtown Greenway) betw 10th & 11th Aves S.

The following reports were signed by Mayor Rybak on October 12, 2006, unless noted otherwise. Minnesota Statutes, Section 331A.01, Subd 10, allows for summary publication of ordinances and resolutions in the official newspaper of the city.

REPORTS OF STANDING COMMITTEES

The **COMMUNITY DEVELOPMENT** Committee submitted the following reports:

Comm Dev - Your Committee recommends passage of the accompanying resolution authorizing sale of the property at 2542 - 17th Ave S to Abah A. Mohamed for \$19,000, subject to the following conditions:

- a) Land sale closing must occur on or before 30 days from date of City Council approval;
- b) Payment of holding costs of \$150 per month from the date of City Council approval to the date of closing if land sale closing does not occur on or before 30 days from date of approval.

The sale conditions may be waived or amended with the approval of the Director of the Department of Community Planning & Economic Development.

Adopted 10/6/2006.

Absent - Colvin Roy.

Resolution 2006R-493, authorizing sale of land Tax Forfeiture Program Disposition Parcel No TF-692 at 2542 - 17th Ave S, was adopted 10/6/2006 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2006R-493
By Goodman

Authorizing sale of land Tax Forfeiture Program Disposition Parcel No TF-692 (2542 - 17th Ave S).

Whereas, the City of Minneapolis, hereinafter known as the City, has received an offer to purchase and develop Disposition Parcel TF-692, in the East Phillips neighborhood, from Abah A. Mohamed, hereinafter known as the Redeveloper, the Parcel TF-692, being the following described land situated in the City of Minneapolis, County of Hennepin, State of Minnesota to wit:

LEGAL DESCRIPTION of TF-692; 2542 17th Avenue South: That part of Lot 12 lying East of the West 32 feet of said lot; and The South 12.15 feet of that part of Lot 13 lying East of the West 32 feet of said lot; All in Block 6, Gilpatrick's Addition to Minneapolis; and

Whereas, the Redeveloper has offered to pay the sum of \$19,000, for Parcel TF-692 to the City for the land, and the Redeveloper's proposal is in accordance with the applicable Redevelopment Plan and/or Program; and

Whereas, the Redeveloper has submitted to the City a statement of financial responsibility and qualifications; and

Whereas, the City has had the re-use value reviewed by an appraisal expert, stating that the re-use value opinion is consistent with the accepted methods in aiding the City in determining a re-use value for the Parcel; and

Whereas, pursuant to due notice thereof published in *Finance and Commerce* on September 15, 2006, a public hearing on the proposed sale was duly held on September 26, 2006, at the regularly scheduled Community Development Committee meeting of the City Council, at the Minneapolis City Hall, 350 South 5th Street, Room 317, at 1:30 p.m., in the City of Minneapolis, County of Hennepin, State of Minnesota;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That the re-use value for uses in accordance with the Tax Forfeiture Program plan, as amended, is hereby estimated to be the sum of \$19,000 for Parcel TF-692.

Be It Further Resolved that the acceptance of the offer and proposal is hereby determined to be in accordance with the City's approved disposition policy and it is further determined that the Redeveloper possesses the qualifications and financial resources necessary to acquire and develop the parcel in accordance with the Redevelopment Plan and/or Program.

Be It Further Resolved that the proposal be and the same is hereby accepted, subject to the execution of a contract for the sale of land and further subject to the following conditions; 1) land sale closing must occur on or before 30 days from the date this Resolution is approved by the City and 2) payment of holding costs of \$150.00 per month from the date of approval of this Resolution if the land sale closing does not occur on or before 30 days from the date of approval.

Be It Further Resolved that the sale conditions described above may be waived or amended with the approval of the Department of Community Planning & Economic Development Director.

Be It Further Resolved that upon publication of this Resolution, the Finance Officer or other appropriate official of the City be and the same is hereby authorized to execute and deliver the contract to the Redeveloper; provided, however, that this Resolution does not constitute such a contract and no such contract shall be created until executed by the Finance Officer or other appropriate official of the City.

Be It Further Resolved that the Finance Officer or other appropriate official of the City is hereby authorized to execute and deliver a conveyance of the land to the Redeveloper in accordance with the provisions of the executed contract and upon payment to the City for the purchase price thereof;

provided, however, that this Resolution does not constitute such a conveyance and no such conveyance shall be created until executed by the Finance Officer or other appropriate City official of the City.

Adopted 10/6/2006.

Absent - Colvin Roy.

Comm Dev - Your Committee, having under consideration the City Council action of October 21, 2005 authorizing the sale of property at 2305-09 - 5th Ave S to Hope Community, Inc for \$72,000, subject to conditions that the land sale closing must occur on or before 30 days from date of City Council approval; and payment of holding costs of \$150 per month from the date of City Council approval to the date of closing if land sale closing does not occur on or before 30 days from date of approval, with the sale conditions that may be waived or amended with the approval of the Department of Community Planning & Economic Development (CPED) Director, and having held further discussion thereon relating to changes to development plans, now recommends that conditions of the sale be amended to read as follows:

a) Land sale closing must occur no later than November 30, 2006; and

b) Payment of holding costs of \$150.00 per month if land sale closing does not occur on or before November 30, 2006.

Adopted 10/6/2006.

Absent - Colvin Roy.

Comm Dev - Your Committee, having under consideration a report of the Department of Community Planning & Economic Development (CPED) identifying parcels that are not needed for development purposes, now recommends authorization for an 18 month pilot program designed to sell these parcels quickly and cost-effectively, to be sold under a modified version of the City's "Sideyard Sales" policy and procedures, and that the parcels in the City's real estate development inventory as identified in the CPED report set forth in Petn No 271521 be approved for inclusion in the pilot program.

Your Committee further recommends passage of the accompanying resolution authorizing a pilot program for sales of certain sideyard parcels.

Adopted 10/6/2006.

Absent - Colvin Roy.

Resolution 2006R-494, authorizing a Pilot Program for sales of certain sideyard parcels, was adopted 10/6/2006 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2006R-494

By Goodman

Authorizing a Pilot Program for Sales of Certain Sideyard Parcels.

Whereas, the City of Minneapolis, hereinafter known as the City, has 32 parcels in its real estate development inventory as shown in Attachment A, set forth in the Department of Community Planning & Economic Development report (Petition No. 271521); and

Whereas, these parcels are not needed for development purposes and prior efforts to sell the properties have had limited success; and

Whereas, keeping these parcels in public ownership is contrary to the best use of these lands and increases the City's holding costs; and

Whereas, it is in the best interests of the City, the neighborhoods and the adjacent property owners that these lands be converted to their best use through private ownership; and

Whereas, the City wishes to sell these parcels using the fastest and most cost-effective methods possible; and

Whereas, the City has had the property values reviewed by an appraisal expert, and purchase prices have been established as described herein consistent with the City's accepted methods in determining re-use values; and

Whereas, on March 11, 2005, the City Council approved the waiving of the Planning Commission's review of certain real estate transactions (including dispositions of non-buildable parcels) that have no relationship to the City's Comprehensive Plan; and

Whereas, Section 2.2.13 of the City's Real Estate Disposition Policy set procedures for selling sideyard parcels; and

Whereas, pursuant to due notice thereof published in Finance and Commerce on September 15, 2006, a public hearing on said proposed sales and the provisions thereof, was duly held on September 26, 2006, at the Minneapolis City Hall, 350 South 5th Street, Room 317, at 1:30 p.m., in the City of Minneapolis, County of Hennepin, State of Minnesota;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That the provisions of Section 2.2.13 of City's Real Estate Disposition Policy shall be modified and supplemented for the parcels placed in the Pilot Program as specified in Attachment A, set forth in the Department of Community Planning & Economic Development report (Petition No. 271521).

Be It Further Resolved that upon publication of this Resolution, the Finance Officer or other appropriate official of the City is hereby authorized to execute and deliver Quit Claim Deed(s) to the Purchaser(s) without further Council action.

Be It Further Resolved that for the purposes of this Pilot Program, "sideyard" means one or more of the following categories:

- The Department of Community Planning & Economic Development (CPED) Planning division has stated that the parcel by itself or when combined with adjacent City-owned property does not meet the minimum area requirements for a single family house, even if variances were to be granted.
- A parcel meets the minimum requirements for new construction but the land has unique characteristics (such as unsuitable soils or poor topography) that fit within the exceptions of the Real Estate Disposition Policy Section 2.2.13, part C. Under these exceptions, buildable lots can be sold as sideyards due to specific extenuating circumstances that cause new construction to be impractical, cost-prohibitive or detrimental to the immediate neighborhood.
- Any other parcel that the City Council approves for a sideyard sale to an adjacent owner under this Pilot Program.

Be It Further Resolved that the Pilot Program sale proceeds be deposited in the CPED Property Disposition Fund GENPD006 and that Fund shall be used to pay the expenses of selling properties in the CPED real estate inventory and other initiatives related to maintaining a comprehensive real property inventory system.

Be It Further Resolved that the Pilot Program shall expire June 1, 2008, unless extended by the Council.

Adopted 10/6/2006.

Absent - Colvin Roy.

Comm Dev – Your Committee, having under consideration allocation of 2006 Emergency Shelter Grant (ESG) funds, now recommends approval of funding for the following three projects:

- 1) Up to \$65,000 for Our Savior's Housing at 2xxx Chicago Ave by Our Savior's Housing;
- 2) Up to \$60,000 for St. Anne's Place at 2xxx Russell Ave N by Ascension Place, for a total of \$230,000 from 2005 and 2006 ESG funds; and
- 3) Up to \$439,253 for Bridge Center for Youth at 2xxx Emerson Ave S by The Bridge for Runaway Youth, Inc, for a total of \$816,076 from 2005 and 2006 ESG funds.

Adopted 10/6/2006.

Absent - Colvin Roy.

Comm Dev - Your Committee recommends passage of the accompanying resolution transferring title of property of the Minneapolis Community Development Agency (MCDA) at 1411 E 18th St to the City of Minneapolis.

Your Committee further recommends that the subject matter be forwarded to the MCDA Board of Commissioners.

Adopted 10/6/2006.

Absent - Colvin Roy.

Resolution 2006R-495, transferring certain real property at 1411 E 18th St of the Minneapolis Community Development Agency to the City of Minneapolis, was adopted 10/6/2006 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2006R-495

By Goodman

Transferring Certain Real Property at 1411 E 18th St of the Minneapolis Community Development Agency to the City of Minneapolis.

Whereas, the City Council exercising powers granted by Minnesota Laws, 2003, Chapter 127, Article 12, Sections 31-34, adopted Chapter 415, Minneapolis Code of Ordinances, establishing the Department of Community Planning and Economic Development ("CPED") and authorizing transfers to the City of money, real property, investments, personal property, assets, programs, projects, districts, developments and obligations of the Minneapolis Community Development Agency ("MCDA"); and

Whereas, pursuant to Resolution Nos. 2003R-625 and 2003R-626, both adopted on December 29, 2003, the City Council approved transfer of the money, investments, personal property, programs, projects, districts and obligations of the MCDA described therein, including the assets, rights and obligations of the Common Bond Fund, effective as of January 1, 2004; and

Whereas, the City Council has decided to now transfer certain MCDA-owned real estate;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis as follows:

The City Council hereby transfers and conveys to the City the MCDA real property being the following described land situated in the City of Minneapolis, County of Hennepin, State of Minnesota to wit:

LEGAL DESCRIPTION TF-660B; 1411 18th Street East: Lot 1, except the North 35 feet thereof, and except the West 90 feet thereof, Block 6, C.L. Willes' Addition to Minneapolis.

The transfer authorized by this resolution shall be effective upon execution and delivery of a deed with respect to the property identified above or other appropriate instrument from the MCDA in favor of the City.

Be It Further Resolved that upon publication of this Resolution, the Finance Officer or other appropriate official of the City be and the same is hereby authorized to execute and deliver the contract to the Redeveloper; provided, however, that this Resolution does not constitute such a contract and no such contract shall be created until executed by the Finance Officer or other appropriate official of the City.

Adopted 10/6/2006.

Absent - Colvin Roy.

Comm Dev - Your Committee, having under consideration the City Council action of April 14, 2006 authorizing the proper City officers to execute a redevelopment contract and land sale documents with Landmark Minnesota, LLC, an affiliate of Master Civil & Constructing Engineering, Inc, dba Master Development Group, for the 1300 N Washington Industrial Park/1300 N 2nd project (development proposal for three parcels of vacant land at 1300 - 2nd St N, 1316 - 2nd St N and 109 - 14th Ave N),

now recommends authorization for the same, consistent with an Amended Term Sheet which reflects a revised development proposal, as contained in the report of the Department of Community Planning & Economic Development.

Adopted 10/6/2006.

Absent - Colvin Roy.

Comm Dev - Your Committee recommends that the proper City officers be authorized to enter into an agreement with the Minneapolis Park & Recreation Board for the use, storage, maintenance and transportation of the zamboni machine used at the Target Center.

Your Committee further recommends that the subject matter be forwarded to the Minneapolis Community Development Agency Board of Commissioners.

Adopted 10/6/2006.

Absent - Colvin Roy.

The **COMMUNITY DEVELOPMENT** and **WAYS & MEANS/BUDGET** Committees submitted the following reports:

Comm Dev & W&M/Budget - Your Committee recommends passage of the accompany resolution adopting Modification No. 1 to the Ripley Gardens Apartments/Marshall Stacey Town Homes Tax Increment Finance (TIF) Plan to reflect the most recent information regarding the use of tax increment financing for paying project costs for the proposed mixed-income development at 300 Queen Ave N.

Adopted 10/6/2006.

Absent - Colvin Roy.

Approved by Mayor Rybak 10/6/2006.

(Published 10/11/2006)

Resolution 2006R-496, adopting Modification No. 1 to the Ripley Gardens Apartments/Marshall Stacey Town Homes (300 Queen Ave N) Tax Increment Finance Plan, was adopted 10/6/2006 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2006R-496
By Goodman and Ostrow

Adopting Modification No. 1 to the Ripley Gardens Apartments/Marshall Stacey Town Homes Tax Increment Finance (TIF) Plan.

Resolved by The City Council of The City of Minneapolis:

Section 1. Recitals

1.1. Pursuant to Laws of Minnesota 2003, Chapter 127, Article 12, Sections 31-34, and Minneapolis Code of Ordinances, Chapter 415, the City of Minneapolis (the "City"), acting by and through its department of Community Planning and Economic Development, has been granted the authority to propose and implement city development districts, housing and redevelopment projects and tax increment financing districts, all pursuant to Minnesota Statutes, Sections 469.001 through 469.134, and 469.174 through 469.179, as amended, and other laws enumerated therein (collectively, the "Project Laws").

1.2. That by Resolution No 2005R-346, duly adopted on June 17, 2005, the City approved the creation and adoption of the Penn & Glenwood Redevelopment Plan, and Ripley Gardens Apartments/Marshall Stacey Town Homes Tax Increment Finance (TIF) Plan, establishing a new redevelopment project, designating property to be included within the boundaries of the proposed project area,

establishing objectives for redevelopment, identifying a budget for expenditures, reflecting project activities and costs, and establishing a redevelopment TIF District, all pursuant to and in accordance with the Project Laws.

1.3. It has been proposed and the City has prepared, and this Council has investigated the facts with respect to, a proposed Modification No 1 to the Ripley Gardens Apartments/Marshall Stacey Town Homes Tax Increment Finance (TIF) Plan (the "Modification"). The Modification changes the TIF budget to include the costs of the underground parking for the ownership units (a permitted use of tax increment financing). No new monies other than those previously approved are being added to the budget and the overall budget remains the same, with the exception of the addition of the parking line item. The amount previously identified for building renovation has been reduced by the amount added for the parking costs, all pursuant to and in accordance with the Project Laws.

1.4. The City has performed all actions required by law to be performed prior to the adoption of the Modification, including, but not limited to, a review of the proposed Modification by the affected neighborhood group and the City Planning Commission, transmittal of the proposed Modification to the Hennepin County Board of Commissioners and the School Board of Special School District No 1 for their review and comment.

1.5. The Council hereby determines that it is necessary and in the best interests of the City at this time to approve the Modification to amend the TIF budget to include the costs of the underground parking for the ownership units.

Section 2. Findings for the Adoption of the Modification

2.1. The Council hereby finds, determines and reaffirms the findings made in Resolution No 2005R-346.

2.2. The Council further finds, determines and declares that the Modification amends the Ripley Gardens Apartments/Marshall Stacey Town Homes TIF budget to include the costs of underground parking for the ownership units (a permitted use of tax increment financing). Further, no new monies other than those previously approved are being added to the budget and the overall budget remains the same, with the exception of the addition of the parking line item. The amount previously identified for building renovation has been reduced by the amount added for the parking costs, all pursuant to and in accordance with the Project Laws.

2.3. The Council hereby finds, determines and declares that the actions authorized by the Modification are consistent with the undertaking of a redevelopment Project and redevelopment TIF district, all pursuant to and in accordance with the Project Laws.

2.4. The Council further finds, determines and declares that it is necessary and in the best interest of the City to approve the Modification.

Section 3. Approval of the Modification

3.1. Based upon the findings set forth in Section 2, Modification No 1 to the Ripley Gardens Apartments/Marshall Stacey Town Homes TIF Plan presented to the Council on this date are hereby approved and shall be placed on file in the office of the City Clerk.

Section 4. Implementation of the Modification

4.1. After passage and publication of this Resolution, the officers and staff of the City and the City's consultants and counsel, are authorized and directed to proceed with the implementation of the Modification, and for this purpose to negotiate, draft, prepare and present to this Council for its consideration, as appropriate, all further modifications, resolutions, documents and contracts necessary for this purpose.

Adopted 10/6/2006.

Absent - Colvin Roy.

Approved by Mayor Rybak 10/6/2006.

Comm Dev & W&M/Budget - Your Committee recommends passage of the accompanying resolution authorizing the issuance of a Tax Increment Limited Revenue Note to Graco Inc for eligible expenses under Phase Two of the redevelopment contract between the City and Graco Inc, in a principal amount not to exceed \$1,085,597.19.

Adopted 10/6/2006.

Absent - Colvin Roy.

Resolution 2006R-497, authorizing the issuance of a tax increment limited revenue note in a principal amount not to exceed \$1,085,597.19 in connection with the Graco Campus Expansion Tax Increment Financing District, was adopted 10/6/2006 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2006R-497
By Goodman and Ostrow

Authorizing the issuance of a tax increment limited revenue note in a principal amount not to exceed \$1,085,597.19 in connection with the Graco Campus Expansion Tax Increment Financing District.

Whereas, the City Council, exercising powers granted by Minnesota Laws 2003, Chapter 127, Article 12, Sections 31-34, adopted Chapter 415, Minneapolis Code of Ordinances, establishing the Department of Community Planning and Economic Development ("CPED"); and

Whereas, CPED (through its predecessor, the Minneapolis Community Development Agency) and the Department of Finance have prepared the Graco Campus Expansion Redevelopment Plan, dated July 14, 2000 (the "Redevelopment Plan") and the Graco Campus Expansion Tax Increment Finance Plan, dated July 14, 2000 (the "TIF Plan"); and

Whereas, pursuant to Resolution No. 2000R-372 adopted by the City Council of the City of Minneapolis (the "City") on August 14, 2000, the City established the Graco Campus Expansion Redevelopment Project (the "Redevelopment Project") and the Graco Campus Expansion Tax Increment Financing District (the "TIF District"); and

Whereas, the Redevelopment Project is established pursuant to the authority granted to the City by Minnesota Statutes, Sections 469.001 through 469.047 and the TIF District is established pursuant to the authority granted to the City in Minnesota Statutes, Section 469.174 through Section 469.179, as amended; and

Whereas, pursuant to Resolution No. 2000R-372, the City Council of the City of Minneapolis approved the Redevelopment Plan and the TIF Plan; and

Whereas, in order to provide for the redevelopment of real property located in the Redevelopment Project and the TIF District, the City had entered into a redevelopment contract (the "Graco Redevelopment Contract") with Graco, Inc. ("Graco") which provided for Graco to develop and construct parking and improvements on the real property located in the Redevelopment Project and the TIF District; and

Whereas, the City (acting through the Minneapolis Community Development Agency) and Graco did enter into the Graco Redevelopment Contract on August 18, 2000 which Graco Redevelopment Contract was amended on December 30, 2004; and

Whereas, under the terms of the Graco Redevelopment Contract, the City has previously issued the Graco Phase One Limited Revenue Tax Increment Note and has originated a Loan to the Redevelopment Project for sewer relocation (the "Previous Encumbrances"); and

Whereas, the Previous Encumbrances have a priority and superior claim to the tax increment revenue as provided in Section 3.05(a) of the Graco Redevelopment Contract; and

Whereas, pursuant to Minnesota Statutes, Section 469.174 through Section 469.179, as amended (the "TIF Act"), the City is authorized to issue its bonds or notes for the purpose of financing public redevelopment costs in a redevelopment project and to pledge tax increment revenues derived from a tax increment financing district established within the redevelopment project to the payment of the principal of and interest on said bonds, notes or obligations;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That the City Council hereby authorizes the issuance of a tax increment revenue note to be designated as the "Limited Revenue Taxable Tax Increment Note (Graco Campus Expansion Phase Two), Series 2006" (the "Note") in the principal amount not to exceed \$1,085,597.19.

Be It Further Resolved that the form of Note attached hereto is hereby approved and shall be executed by the Finance Officer in substantially the form attached and with such changes thereto not inconsistent with law.

Be It Further Resolved that the Note may be issued on such date at an interest rate of four and one-half percent (4.5%) per annum simple interest and upon such other terms and conditions determined by the Finance Officer.

Be It Further Resolved that the issuance of the Note to Graco is effective without any additional action of the City Council and shall be undertaken by the Finance Officer in the amount indicated in the Note and at the rate of interest stated herein and upon such other terms and conditions deemed reasonable by the Finance Officer.

Be It Further Resolved that there shall be prepared, executed and delivered in conjunction with the issuance of the Note, in the discretion of the Finance Officer, the following documents: (i) the Note; (ii) an estimate of the amount of tax increment revenue that may be pledged to the Note relative to the Previous Encumbrances; and, (iii) such other instruments or documents deemed necessary or appropriate by the Finance Officer with respect to the issuance of or security for the Note.

Be It Further Resolved that the issuance and delivery of the Note by the City shall be conclusive evidence that the Finance Officer has approved the terms and provisions of the Note in accordance with the authority granted in this Resolution.

Be It Further Resolved that no provision, covenant or agreement contained in the Note or in any other document related to the Note, and no obligation therein or herein imposed upon the City or the breach thereof, shall constitute or give rise to any pecuniary liability of the City or any charge upon its general credit or taxing powers. In making the agreements, provisions, covenants and representations set forth in such documents, the City has not obligated itself to pay or remit any funds or revenues, other than funds and revenues derived from the tax increment revenues that are to be applied to the payment of the Note, as provided therein and in the Graco Redevelopment Contract. The Note shall not constitute a charge, lien or encumbrance, legal or equitable, upon any property or funds of the City except the revenue pledged to the payment thereof, nor shall the City be subject to any liability thereon. The holders of the Note shall never have the right to compel any exercise of the taxing power of the City to pay the outstanding principal on the Note or the interest thereon, or to enforce payment thereon against any property of the City. The Note shall not constitute a payment thereon against any property of the City. The Note shall not constitute a debt of the City within the meaning of any constitutional or statutory limitation.

Be It Further Resolved that the Note, when executed and delivered shall contain a recital that it is issued pursuant to the TIF Act, and such recital shall be conclusive evidence of the validity of the Note and the regularity of the issuance thereof, and that all acts, conditions and things required by the laws of the State of Minnesota relating to the adoption of the resolution, to the issuance of the Note and to the execution of the aforementioned documents to happen, exist and be performed precedent to and in the enactment of this resolution, and precedent to issuance of the Note and precedent to the execution of the aforementioned documents have happened, exist and have been performed as so required by law.

Be It Further Resolved that except as herein otherwise expressly provided, nothing in this resolution, the Note, or the Graco Redevelopment Contract, expressed or implied, is intended or shall be construed to confer upon any person or firm or corporation other than the City and Graco any right, remedy or claim, legal or equitable, under any law by reason of this resolution or any provision hereof, or of the Note and the Graco Redevelopment Contract and all of their provisions being intended to be and being for the sole and exclusive benefit of the City and Graco.

Be It Further Resolved that in case any one or more of the provisions of this resolution, the Note, or the Graco Redevelopment Contract shall for any reason be held to be illegal or invalid, such illegality or invalidity shall not affect any other provisions of this resolution, the Note, or the Graco Redevelopment Contract.

Be It Further Resolved that this resolution shall be in full force and effect from and after its passage.

Adopted 10/6/2006.

Absent - Colvin Roy.

Comm Dev & W&M/Budget - Your Committee, having under consideration the Sheridan Neighborhood Revitalization Program (NRP) Phase II Neighborhood Action Plan, now recommends:

a) Approval of said action Plan and specifically those parts of the Plan that fall under City jurisdiction, with the total cost of the Plan not to exceed \$438,317;

b) Passage of the accompanying resolution increasing the Community Planning and Economic Development (CPED) Department appropriation by \$147,411 in the NRP fund for implementation of said Plan;

c) Referral of \$73,705 to the 2007 budget, authorizing the proper City officers to reserve the remaining \$205,201 for Plan implementation in a reserve account within Fund CNR0 for future years expenditures on the approved Plan provided that no more than 70% of the amount approved for the Plan (\$306,822) shall be obligated in the first three years after approval of the Plan; and

d) That the proper City officers be authorized to enter into any contracts or agreements needed to implement said Plan.

Adopted 10/6/2006.

Absent - Colvin Roy.

RESOLUTION 2006R-498

By Goodman and Ostrow

Amending The 2006 General Appropriation Resolution.

Resolved by The City Council of The City of Minneapolis:

That the above-entitled resolution, as amended, be further amended by increasing the appropriation for the Community Planning and Economic Development Agency in the NRP Program Fund (CNR0-890-3550) by \$147,411.

Adopted 10/6/2006.

Absent - Colvin Roy.

Comm Dev & W&M/Budget - Your Committee, having under consideration Modification No. 3 to the West Calhoun Neighborhood Revitalization Program (NRP) Phase I Plan, now recommends:

a) Approval of the third modification to the Phase I NRP plan, creating a new strategy to support community crime and safety initiatives and moving \$15,000 from the Excelsior Blvd Streetscape strategy to fund this new strategy; and

b) That the proper City officers be authorized to enter into any contracts or agreements needed to implement said request.

Adopted 10/6/2006.

Absent - Colvin Roy.

The **HEALTH, ENERGY & ENVIRONMENT** Committee submitted the following report:

HE&E - Your Committee recommends concurrence with the City Council to appoint Gavin Watt, Ward 1, to the Public Health Advisory Committee for a two-year term to expire December 31, 2007.

Adopted 10/6/2006.

Absent - Colvin Roy.

The **HEALTH, ENERGY & ENVIRONMENT** and **WAYS & MEANS/BUDGET** Committees submitted the following reports:

HE&E & W&M/Budget – Your Committee recommends that the proper City officers be authorized to execute a contract with Hennepin County, Human Services and Public Health Department, to allow the City to continue to provide public health laboratory services for the County; and to receive \$400,000 for services on their behalf for the period December 1, 2006 through December 31, 2010.

Adopted 10/6/2006.

Absent - Colvin Roy.

HE&E & W&M/Budget— Your Committee recommends approval of the request by the Department of Health & Family Support to grant Step 7 of the Nurse Practitioner salary schedule to Lori Carlson, who will be working as a Nurse Practitioner at the School Based Clinic Program.

Adopted 10/6/2006.

Absent - Colvin Roy.

Approved by Mayor Rybak 10/6/06.

(Published 10/11/2006)

The **INTERGOVERNMENTAL RELATIONS** Committee submitted the following report:

IGR - Your Committee, having under consideration ordinances amending the Minneapolis City Charter by establishing a Department of Public Works and creating the position of Director of Public Works, and having conducted a public hearing thereon, now concurs in the recommendation of the Minneapolis Charter Commission that the accompanying ordinances be given their second reading for passage by the affirmative vote of all members of the City Council, pursuant to Minnesota Statutes Section 410.12, Subd 7:

a) Chapter 3 relating to Powers and Duties of Officers as follows: Amending Section 4, amending the power of the executive committee on appointments and removals; Section 8, amending the existence of the City Engineer as the head of the Public Works Department by creating a Department of Public Works and a Director of Public Works; Section 9, amending the powers of the City Engineer and providing the duties and powers of the Director of Public Works; and Section 10, amending the maintenance of surveys, plans and estimates;

b) Chapter 8 relating to Public Highways and Bridges as follows: Amending Section 2, amending the way profiles and grades are maintained and the staff who will provide advice to the Commissioners; Section 6, repealing so that the City Engineer is not responsible for grading and construction of public ways; Section 7, amending so that the Director of Public Works cannot have interest in contracts; Section 8, amending who is prohibited from accepting bribes; Section 13, amending by providing duties of the Director of Public Works regarding the repair of sidewalks; Section 14, amending by providing the Department of Public Works is responsible for sidewalk repairs; and Section 22, amending the location of copies of plats;

c) Chapter 9, Section 5 relating to Water Works, amending the location for the preservation of records and the certification of the cost of construction;

d) Chapter 10 relating to Local Improvements—Assessments, as follows: Amending Section 1, amending the process for proposing suitable land for public improvements; Section 5, amending the street improvement process by having the Department of Public Works provide advice and assistance instead of the Engineer; Section 8, amending the local improvement process by having the Department of Public Works provide assistance instead of the Engineer; Section 10, amending the sidewalk building process by having the Department of Public Works provide a description of property and cost estimate instead of the Engineer; Section 15, amending who certifies that an improvement has been made by the owner of a property; and Section 29, amending who must work with the Auditor regarding improvements;

e) Chapter 16 relating to Parks and Parkways, as follows: Amending Section 2, amending the location for the filing of plats of the Park and Recreation Board; Section 3, amending the location for the filing of plats for land condemned by the Park and Recreation Board; and Section 15, amending reference to the process used by the City in building sidewalks and assessing for the construction; and

f) Chapter 19, Section 4 relating to Civil Service, amending the unclassified service to include the Director of Public Works and eliminate the City Engineer.

Hodges moved that the report be postponed. Seconded.

Adopted upon a voice vote 10/6/2006.

Absent - Colvin Roy.

The **PUBLIC SAFETY & REGULATORY SERVICES** Committee submitted the following reports:

PS&RS - Your Committee, to whom was referred an ordinance amending Title 13, Chapter 341 of the Minneapolis Code of Ordinances relating to *Licenses and Business Regulations: Taxicabs*, by a) repealing the requirement that the City Council conduct periodic public convenience and necessity hearings; b) increasing the authorized number of taxicab licenses issued by up to 45 new licenses each year for the next four years, and requiring that a percentage of new and existing taxicab vehicles be wheelchair accessible and that a percentage be fuel efficient or operate on alternative fuels; c) adding license fees applicable to wheelchair accessible, fuel efficient and alternative fuel taxicabs; d) allowing wheelchair accessible and fuel efficient vehicles to be used for 8 years; e) amending the reference to seasonal licenses while deleting the reference to limited licenses; f) repealing the provision that authorizes additional taxicabs to conduct studies concerning taxicab service and fares; and g) changing the minimum licensed taxicabs required for a licensed service company from 15 to 5, now recommends that said ordinance be given its second reading for amendment and passage.

Further, that a Task Force be convened to discuss taxicab needs and service issues, with a report back to Committee in 60 days. Staff is directed to report back at the next Public Safety & Regulatory Services Committee Meeting with a further listing of Task Force membership, which would include representatives from minority businesses, the tourism industry (GMCVA), the Institute for Justice Minnesota Chapter; taxicab company owners, operators and drivers; taxicab customers; the labor industry, immigrant advocates, new taxicab license company applicants; the Minneapolis Advisory Committee on People with Disabilities; and Regulatory Services staff.

Gordon moved that the report be postponed. Seconded.

Lost. Yeas, 6; Nays, 6 as follows:

Yeas - Hofstede, Lilligren, Glidden, Benson, Gordon, Johnson.

Nays - Ostrow, Schiff, Remington, Goodman, Hodges, Samuels.

Absent - Colvin Roy.

Schiff moved to substitute a new ordinance for the above-mentioned ordinance. Seconded.

Adopted. Yeas, 10; Nays, 2 as follows:

Yeas - Hofstede, Ostrow, Schiff, Lilligren, Glidden, Remington, Benson, Goodman, Hodges, Samuels.

Nays - Gordon, Johnson.

Absent - Colvin Roy.

Ostrow moved that City Council Rule 1(f), requiring that amendments be submitted in writing, be suspended. Seconded.

Adopted upon a voice vote.

Absent - Colvin Roy.

Ostrow moved to amend Section 341.300 (d) of the ordinance by deleting the words "February" and "January" and inserting in lieu thereof the word "June". Seconded.

Adopted upon a voice vote.

Absent - Colvin Roy.

Gordon moved to amend Section 341.300 (c) and (e) of the ordinance by deleting the language "ten (10) percent must be fuel efficient" and inserting in lieu thereof "all must be fuel efficient". Seconded.

Johnson ruled the Gordon motion to be out of order, as it had already been voted on in the Schiff substitute motion.

Hofstede moved to amend the ordinance by deleting Section 341.305 entitled "*License fees waived for taxicabs that are wheelchair accessible, fuel efficient or run on alternative fuel*", and adding an amendment to Section 341.630, to read as follows:

"341.630. Expiration and renewal. (a) Taxicab licenses shall be issued as of February first of each year and shall expire January thirty-first next succeeding, subject to renewal year to year if the taxicab has been operated in conformance with this chapter and the licensee continues to meet all requirements of this chapter.

(b) Renewal applications, including fees, shall be due on February first of each year. The late penalties provided in section 261.20 shall apply.

(c) There shall be no license fee for taxicabs that are wheelchair accessible, fuel efficient or run on alternative fuel, as determined by standards established by the division of business licenses and consumer services." Seconded.

Schiff moved to amend the Hofstede motion by removing the reference to "alternative fuel".
Seconded.

Adopted upon a voice vote.

Absent - Colvin Roy.

Hofstede's motion, as amended, was adopted upon a voice vote.

Absent - Colvin Roy.

Hofstede moved to amend the ordinance by adding an amendment to Section 341.240, to read as follows:

"341.240. Trip sheets. Every taxicab driver shall keep a trip sheet, current to the last run taken, upon which shall be noted the starting point and time, and the termination point and time of each trip, the place of discharge of each passenger, the amount of the fare charged, whether upon the meter, flat rate or trip basis, the time reporting and going off duty, and the driver's name and number. Every taxicab driver shall also indicate on the trip sheet which runs included wheelchair accessible fares and shall indicate such fares with the letters "WC" by that run on the trip sheet. Such sheet shall be filed with and as part of the records of the taxicab vehicle licensee, and at the office of the service company with which the taxicab vehicle is associated. Trip sheets shall be filed not later than seventy-two (72) hours after the completion of the driver's shift, or immediately on demand of a police officer or license inspector. The trip sheets shall be open to inspection by the chief of police, director, or their representatives at all times, and failure to so make and keep such trip sheets or the falsification of such trip sheets shall constitute a violation of this chapter and shall be cause for the revocation of the driver's license or, in the event such failure is by the vehicle licensee, shall be cause for the revocation of the taxicab license of such licensee. Each taxicab service company shall preserve trip sheets for a period of six (6) months, and submit upon request of the city council or department, any information contained in the driver's trip sheets, together with the true and correct information as to the orders or calls for taxicabs and the disposition of same. Service companies shall file trip sheets by cab number, chronologically. On the first of each month, every taxicab service licensee shall provide to the department the number of runs each vehicle has made, in the preceding month, and how many of those runs included a wheelchair accessible fare." Seconded.

Adopted upon a voice vote.

Absent - Colvin Roy.

Hofstede moved to amend the ordinance by adding an amendment to Section 341.960 (I), to read as follows:

"341.960. Conditions. Every licensed service company shall:

(I) A licensee licensed to transport passengers in wheelchairs must provide training to each of its operators on the special needs of persons with disabilities. The operator shall also receive training on operating and maintaining vehicle accessible features. The training program is subject to approval by the city council. Every licensed service company shall provide drivers trained to transport handicapped individuals and to ensure that the licensee is providing the service required under this chapter."

Seconded.

Adopted upon a voice vote.

Absent - Colvin Roy.

Gordon moved to amend Section 341.300 (c) and (e) of the ordinance by deleting the language "ten (10) percent must be fuel efficient" and inserting in lieu thereof "fifty (50) percent must be fuel efficient".
Seconded.

Lost upon a voice vote.

Absent - Colvin Roy.

Lilligren moved that the report be amended by adding language relating to the scope of work for the Task Force, to read as follows:

"Further, that a Task Force be convened to discuss taxicab needs and service issues, with a report back to Committee in 60 days. Staff is directed to report back at the next Public Safety & Regulatory Services Committee Meeting with the scope of work for the Task Force and with a further listing of Task Force membership, which would include representatives from minority businesses, the tourism industry (GMCVA), the Institute for Justice Minnesota Chapter; taxicab company owners, operators and drivers; taxicab customers; the labor industry, immigrant advocates, new taxicab license company applicants; the Minneapolis Advisory Committee on People with Disabilities; and Regulatory Services staff." Seconded.

Gordon moved to amend the Lilligren motion by deleting the language "the Institute for Justice Minnesota Chapter". Seconded.

Adopted upon a voice vote.

Absent - Colvin Roy.

Lilligren's motion, as amended, was adopted upon a voice vote.

Absent - Colvin Roy.

Lilligren assumed the Chair.

Johnson moved that the report be amended to require an evaluation on the impact to service and the economics of the industry by November 1, 2007 before issuing any new licenses. Seconded.

Schiff moved to amend the Johnson motion by deleting the language "before issuing any new licenses". Seconded.

Adopted upon a voice vote.

Absent - Colvin Roy.

Johnson's motion, as amended, was adopted upon a voice vote.

Absent - Colvin Roy.

Johnson resumed the Chair.

Gordon moved to amend Section 341.300 (c) and (d) of the ordinance by adding the following language:

"Any new taxicab license issued after the effective date of this ordinance shall not be transferable to a third party." Seconded.

Adopted upon a voice vote.

Absent - Colvin Roy.

Gordon moved that the second paragraph of the report be amended by adding the following language:

"The Task Force will recommend policy changes on issues including, but not limited to:

a. Exploring how to mitigate the hardship that phasing out the cap will place on current holders of licenses; and

b. Increasing the capacity of taxicab drivers to organize labor unions.

c. Providing a living wage, health insurance and workers' compensation for taxicab drivers.

d. Examining further the recommendations of the Minneapolis Advisory Committee on People with Disabilities regarding wheelchair accessible cab service.

e. Reforming the City's taxi stand policy.

f. Lifting fare controls." Seconded.

Lost. Yeas, 6; Nays, 6 as follows:

Yeas - Hofstede, Schiff, Glidden, Remington, Benson, Gordon.

Nays - Ostrow, Lilligren, Goodman, Hodges, Samuels, Johnson.

Absent - Colvin Roy.

Samuels called the question. Seconded.

Adopted upon a voice vote.

Absent - Colvin Roy.

The report, as amended, with the amended substitute ordinance, was adopted 10/6/2006. Yeas, 8; Nays, 4 as follows:

Yeas - Hofstede, Ostrow, Schiff, Lilligren, Remington, Goodman, Hodges, Samuels.

Nays - Glidden, Benson, Gordon, Johnson.

Absent - Colvin Roy.

Ordinance 2006-Or-108 amending Title 13, Chapter 341 of the Minneapolis Code of Ordinances relating to *Licenses and Business Regulations: Taxicabs*, amending Sections 341.240, 341.270, 341.300, 341.310, 341.320, 341.595, 341.630, and 341.960 to repeal the requirement that the City Council conduct periodic public convenience and necessity hearings; to increase the authorized number of taxicab licenses issued by up to 45 new licenses each year for the next four years and require that a percentage of new and existing taxicab vehicles be wheelchair accessible and that a percentage be fuel efficient; to allow wheelchair accessible and fuel efficient vehicles to be used for 8 years; to amend the reference to seasonal licenses while deleting the reference to limited licenses; to repeal the provision that authorizes additional taxicabs to conduct studies concerning taxicab service and fares;

and to change the minimum licensed taxicabs required for a licensed service company from 15 to 5, was adopted 10/6/2006 by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized ordinance.

ORDINANCE 2006-Or-108
By Ostrow
Intro & 1st Reading: 8/3/2006
Ref to: PS&RS
2nd Reading: 10/6/2006

Amending Title 13, Chapter 341 of the Minneapolis Code of Ordinances relating to Licenses and Business Regulations: Taxicabs.

The City Council of The City of Minneapolis do ordain as follows:

Section 1. That Section 341.240 of the above-entitled ordinance be amended to read as follows:

341.240. Trip sheets. Every taxicab driver shall keep a trip sheet, current to the last run taken, upon which shall be noted the starting point and time, and the termination point and time of each trip, the place of discharge of each passenger, the amount of the fare charged, whether upon the meter, flat rate or trip basis, the time reporting and going off duty, and the driver's name and number. Every taxicab driver shall also indicate on the trip sheet which runs included wheelchair accessible fares and shall indicate such fares with the letters "WC" by that run on the trip sheet. Such sheet shall be filed with and as part of the records of the taxicab vehicle licensee, and at the office of the service company with which the taxicab vehicle is associated. Trip sheets shall be filed not later than seventy-two (72) hours after the completion of the driver's shift, or immediately on demand of a police officer or license inspector. The trip sheets shall be open to inspection by the chief of police, director, or their representatives at all times, and failure to so make and keep such trip sheets or the falsification of such trip sheets shall constitute a violation of this chapter and shall be cause for the revocation of the driver's license or, in the event such failure is by the vehicle licensee, shall be cause for the revocation of the taxicab license of such licensee. Each taxicab service company shall preserve trip sheets for a period of six (6) months, and submit upon request of the city council or department, any information contained in the driver's trip sheets, together with the true and correct information as to the orders or calls for taxicabs and the disposition of same. Service companies shall file trip sheets by cab number, chronologically. On the first of each month, every taxicab service licensee shall provide to the department the number of runs each vehicle has made, in the preceding month, and how many of those runs included a wheelchair accessible fare.

Section 2. That Section 341.270 of the above-entitled ordinance be and is hereby repealed:

341.270. Public convenience and necessity. ~~(a) At least once every twenty-four (24) months, the city council shall conduct a hearing to consider whether public convenience and necessity warrant additional licenses. In determining whether public convenience and necessity warrant additional licenses, the city council shall take into consideration the level and quality of service being provided by existing taxicab operators; whether additional competition would improve the level and quality of service or the degree of innovation in delivery of services; the impact upon the safety of vehicular and pedestrian traffic; the impact upon traffic congestion and pollution; the available taxicab stand capacity; the public need and demand for service; the impact on existing taxicab operators; and such other factors as the city council may deem relevant.~~

~~(b) In determining whether to increase the authorized number of taxicab licenses, and in determining which applicants should be awarded such additional licenses, the city council may consider the financial capability and responsibility of the applicant; the applicant's prior experience in the taxicab business; the level and quality of taxicab service provided by the applicant in the past in areas in which it has operated; the experience and competence of the applicant's drivers; the applicant's prior record of compliance with the taxicab ordinance including complaints and disciplinary actions against drivers and vehicle owners; the applicant's prior record of service complaints; the age and condition of the vehicles proposed to be licensed by the applicant; the applicant's prior experience in providing neighborhood service, and such other factors as the city council may deem relevant.~~

Section 3. That Section 341.300 of the above-entitled ordinance be amended to read as follows:

341.300. Authorized number of licenses. ~~(a) The authorized number of licenses may be renewed and transferred by the owners thereof when permitted by and in accordance with the provisions of this chapter.~~

~~(b) Effective October 1, 1995, the authorized number of taxicab licenses shall be three hundred forty-three (343). The seventy (70) additional licenses issued in 1995 shall be issued in the following allotments:~~

~~(1) One (1) block of thirty-five licenses (35) shall be issued to applicants in a single service company and color scheme which is not currently licensed in the city based upon a review of written proposals submitted by interested parties. The licenses shall be issued to the service company and color scheme which, in the judgment of the city council, will best meet the criteria of additional licenses set forth in section 341.270(c);~~

~~(2) Thirty-five (35) licenses shall be awarded to existing licensed service companies through an unbiased lottery process, as approved by the city council. Such lottery process shall also be used to create a waiting list of qualified applicants who will be awarded any forfeited licenses. The director shall review the qualifications, resources, and experience of all applicants, and make a recommendation to the city council on the application of each. The city council shall accept or reject each application. The annual license fee for each new license shall be paid within twenty-four (24) hours of completion of the lottery process. In the event that the annual license fees for any new licenses awarded through the lottery process are not paid within twenty-four (24) hours, the licenses will be forfeited and re-awarded to applicants on the waiting list.~~

~~(3) Applicants awarded new licenses shall provide evidence of insurance, pass vehicle inspections, and be providing taxi service regularly with the new licenses within forty-five (45) days of the award. Failure to meet these deadlines shall result in forfeiture of the licenses. Forfeited licenses shall be re-awarded to applicants on the waiting list provided for in section 341.300(b)(2).~~

~~(c) Effective two (2) years after the effective date of the 1995 issuance of additional licenses, after a convenience and necessity hearing, additional licenses may be issued to service companies having a documented commitment to neighborhood service as defined by criteria established by the taxicab committee.~~

~~(d) Effective January 1, 2002, the authorized number of wheelchair accessible taxicab licenses shall be forty-five (45). The forty-five (45) wheelchair accessible taxicab licenses issued in 2002 shall be issued in the following allotments and according to the schedule below:~~

~~(1) Twenty (20) licenses shall be awarded to Airport/Town Taxi (Coach USA) in accordance with an approved service agreement submitted in connection therewith.~~

~~(2) Fifteen (15) licenses shall be awarded to Yellow Taxi in accordance with an approved service agreement submitted in connection therewith.~~

- (3) Three (3) licenses shall be awarded to Rainbow Taxi in conjunction with the cessation of the pilot project instituted pursuant to section 341.320 and seven (7) licenses in accordance with an approved service agreement submitted in connection therewith.

(a) Based upon the public record including the express findings of the City Council, it is determined that the public convenience and necessity requires annual increases in the authorized number of taxicab licenses over a five year period and the eventual deregulation of the number of authorized taxicab licenses issued by the city. All existing or new licenses issued pursuant to this ordinance shall be issued in accordance with rules and regulations of the division of business licensing and consumer services.

(b) From the effective date of this ordinance until December 1, 2006, the number of licenses currently issued to existing licensed service companies shall not be increased. By December 31, 2007 all licensed service companies in operation in the city on or before November 1, 2006 shall provide documentation to the city that five (5) percent of their operational fleets are wheelchair accessible and an additional five (5) percent are fuel efficient, as determined by the city. By December 31, 2008 all licensed service companies in operation in the city on or before November 1, 2006 shall provide documentation to the city that ten (10) percent of their operational fleets are wheelchair accessible and ten (10) percent are fuel efficient, as determined by the city. By December 31, 2008 all licensed service companies in operation in the city on or before November 1, 2006 shall have a minimum of five (5) licensed taxicabs in their fleets. By December 31 of subsequent years, all licensed service companies in operation in the city on or before November 1 of that year shall provide documentation to the city that an additional ten (10) percent of their operational fleets are fuel efficient, as determined by the city.

(c) On December 1, 2006, up to forty-five (45) new taxicab licenses shall be made available to be issued to new or existing licensed service companies as recommended by the division of business licensing and consumer services and approved by the City Council. If any licenses are issued to new licensed service companies, ten (10) percent of the taxicabs must be wheelchair accessible and ten (10) percent must be fuel efficient, as determined by the city. Any new taxicab license issued after the effective date of this ordinance shall not be transferable to a third party.

(d) On June 1, 2007, up to forty five (45) new taxicab licenses shall be made available to be issued to new or existing licensed service companies as determined by the division of business licensing and consumer services. On June 1 of the years 2008, 2009 and 2010, up to forty five (45) new taxicab licenses shall be made available to be issued to new or existing licensed service companies as recommended by the division of business licensing and consumer services and approved by the City Council. If any licenses are issued to new licensed service companies, ten (10) percent of the taxicabs must be wheelchair accessible and ten (10) percent must be fuel efficient, as determined by the city. By December 31 of subsequent years, all licensed service companies in operation in the city on or before November 1 of that year shall provide documentation to the city that an additional ten (10) percent of their operational fleets are fuel efficient, as determined by the city. Any new taxicab license issued after the effective date of this ordinance shall not be transferable to a third party.

(e) On January 1, 2011, any new or existing licensed service company may apply for any number of new taxicab licenses. Such licenses shall be granted in any number upon the recommendation of the division of business licensing and consumer services to be approved by the City Council. If any licenses are issued to new licensed service companies, ten (10) percent of the taxicabs must be wheelchair accessible and ten (10) percent must be fuel efficient, as determined by the city.

(f) The minimum number of licensed and operational taxicabs run by any new licensed service company shall be five (5). If the number of licensed and operational taxicabs for any licensed service company drops below five (5), the company shall submit documentation regarding the reduction in taxicabs and a business plan for returning to compliance with this section. All taxicab licenses granted pursuant to this ordinance must be operational and in service. If any licensed taxicab is not operational and in service for more than 30 days in any one year period, the company shall submit documentation regarding the taxicab license in question and a business plan for surrendering the license or returning the taxicab to operational service.

(g) Any recommendation to issue and any approval of the issuance of new taxicab licenses to new or existing licensed service companies (and any rule or regulation governing the issuance of new taxicab licenses to new or existing licensed service companies that is promulgated by the division of business licensing and consumer services of the department of regulatory services) shall be based on the determination that the applicant is fit, willing and able to meet the regulatory and service requirements set forth in Title 13, Chapter 341.

(h) An applicant may apply for and receive service company licensure concurrently with new taxicab license applications and in anticipation of receiving a sufficient number of new taxicab licenses (or associating with a sufficient number of new or existing taxicab licensees) to meet the regulatory and service requirements set forth in Title 13, Chapter 341 of the Minneapolis Code of Ordinances.

Section 4. That Section 341.310 of the above-entitled ordinance be amended to read as follows:

341.310. Limited license. ~~Taxicab licensees operating under a common color scheme may apply for additional licenses, to be known as limited licenses, for the period October first of each year to April first of the next year, for which applications shall be made on or before October first preceding the license period. The license fee shall be as specified in Appendix J, License Fee Schedule.~~

~~Taxicab licensees in each company or association operating under a common color scheme may be granted limited licenses in an amount not exceeding one (1) for every five (5) regular taxicab licenses held by that company or association. Fractions of less than one-half (1/2) shall be rounded down.~~

~~Limited licenses shall be held in the names of individual taxicab owners within each color scheme. Applicants for limited licenses shall file their applications and provide evidence of insurance by October 1, and pass vehicle inspection by October 31. Failure to meet these deadlines shall result in denial of the license application without refund of fees paid. The service company shall then designate another applicant for the limited license. If that applicant does not meet all requirements by November 30, the license shall be awarded by lottery to a different service company.~~

~~Failure of a limited licensee to operate the vehicle on the street, or failure to maintain insurance, shall be grounds for cancellation of the limited license.~~

~~Limited licenses shall not be transferable from person to person without the approval of the director of licenses and consumer services.~~

Seasonal licenses. New or existing licensed service companies may apply for seasonal licenses that are valid from October first of each year to April first of each year. The number of seasonal licenses granted on October 1, 2006 shall not exceed one (1) for every five (5) regular licenses held by the new or existing licensed service companies. The number of seasonal licenses granted on October 1, 2007 shall not exceed two (2) for every five (5) regular licenses held by the new or existing licensed service companies. The number of seasonal licenses granted on October 1, 2008 shall not exceed three (3) for every five (5) regular licenses held by the new or existing licensed service companies. The number of seasonal licenses granted on October 1, 2009 shall not exceed four (4) for every five (5) regular licenses held by the new or existing licensed service companies. There will be no limit on the number of seasonal licenses granted on October 1, 2010.

Section 5. That Section 341.320 of the above-entitled ordinance be and is hereby repealed:

341.320. Authorization of additional taxicabs or other vehicles for hire to conduct studies concerning taxicab service and fares. Notwithstanding any other ordinance, the city council may authorize by resolution, preceded by a public hearing, the temporary operation of additional taxicabs or other vehicles for hire, for a period not exceeding one (1) year, for the purpose of conducting studies, collecting information, and testing new services or fare structures. Such taxicabs or other vehicles for hire shall be allowed in addition to the authorized number of licenses in section 341.300 and the authorized number of limited licenses in section 341.310, and no public convenience and necessity hearing shall be required prior to their authorization, but the number of such additional vehicles shall not exceed ten (10) percent of the number of licensed vehicles permitted by section 341.300, up to a limit of 30, for any one study or test program. Such taxicabs or other vehicles for hire shall be operated under an existing service company licensed by the City of Minneapolis, and shall comply with the minimum requirements of Chapter 341 concerning age of vehicle, maintenance, and insurance. The city council may authorize such additional taxicabs or other vehicles for hire to offer special fares and services not authorized in Article V of this chapter.

Section 6. That Section 341.595 of the above-entitled ordinance be amended to read as follows:

341.595. Age of vehicle. On and after June 1, 1988, no vehicle shall be licensed or operated as a taxicab unless the vehicle has a model year of five (5) years or less, or eight (8) years or less for wheelchair accessible and fuel efficient vehicles; provided, however, that any vehicle which was licensed as a taxicab on the effective date of this section may continue to be licensed and operated until June 1, 1990.

Waivers may be allowed to taxicabs over five (5) years old, or eight (8) years or less for wheelchair accessible and fuel efficient vehicles, if the taxicab meets city yearly inspection and maintenance standards.

Section 7. That Section 341.630 of the above-entitled ordinance be amended to read as follows:

341.630. Expiration and renewal. (a) Taxicab licenses shall be issued as of February first of each year and shall expire January thirty-first next succeeding, subject to renewal year to year if the taxicab has been operated in conformance with this chapter and the licensee continues to meet all requirements of this chapter.

(b) Renewal applications, including fees, shall be due on February first of each year. The late penalties provided in section 261.20 shall apply.

(c) There shall be no license fee for taxicabs that are wheelchair accessible or fuel efficient, as determined by standards established by the division of business licenses and consumer services.

Section 8. That Section 341.960 (l) of the above-entitled ordinance be amended to read as follows:

341.960. Conditions. Every licensed service company shall:

(l) A licensee licensed to transport passengers in wheelchairs must provide training to each of its operators on the special needs of persons with disabilities. The operator shall also receive training on operating and maintaining vehicle accessible features. The training program is subject to approval by the city council. Every licensed service company shall provide drivers trained to transport handicapped individuals and to ensure that the licensee is providing the service required under this chapter.

Adopted 10/6/2006. Yeas, 8; Nays, 4 as follows:

Yeas - Hofstede, Ostrow, Schiff, Lilligren, Remington, Goodman, Hodges, Samuels.

Nays - Glidden, Benson, Gordon, Johnson.

Absent - Colvin Roy.

PS&RS - Your Committee, to whom was referred an ordinance amending Title 13, Chapter 265 of the Minneapolis Code of Ordinances relating to *Licenses and Business Regulations: Special Permits for Specific Businesses and Uses*, repealing the prohibition that sidewalk cafe permits not be issued to any establishment holding an "on sale" liquor, wine or beer license located within 200 feet of a residentially zoned district, now recommends that said ordinance be given its second reading for amendment and passage.

Your Committee further recommends that staff from the Department of Regulatory Services be directed to develop a policy regarding all sidewalk cafes and outside areas within close proximity to residentially zoned district (to include possible restrictions on hours, activities, limiting size, etc.), with a report back to Committee in February 2007.

Adopted 10/6/2006.

Absent - Colvin Roy.

Ordinance 2006-Or-109 amending Title 13, Chapter 265 of the Minneapolis Code of Ordinances relating to *Licenses and Business Regulations: Special Permits for Specific Businesses and Uses*, amending Section 265.290 to repeal the prohibition that sidewalk cafe permits not be issued to any establishment holding an "on sale" liquor, wine or beer license located within 200 feet of a residentially zoned district, was adopted 10/6/2006 by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized ordinance.

ORDINANCE 2006-Or-109
By Remington
Intro & 1st Reading: 8/18/2006
Ref to: PS&RS
2nd Reading: 10/6/2006

Amending Title 13, Chapter 265 of the Minneapolis Code of Ordinances relating to Licenses and Business Regulation: Special Permits for Specific Businesses and Uses.

The City Council of The City of Minneapolis do ordain as follows:

Section 1. That Section 265.290 (f) of the Minneapolis Code of Ordinances be and is hereby repealed.

265.290. Restrictions.

~~(f) No sidewalk cafe permit shall be issued to any establishment holding an "on sale" liquor, wine, or beer license located within two hundred (200) feet of a residentially zoned district, the measurement to be made from the nearest portion of the sidewalk cafe to the nearest boundary of the residentially zoned district, except that this subsection shall not apply to any such establishment whose gross sales revenue during the preceding fiscal year from the sale of food and beverages not containing alcohol was in an amount of not less than seventy (70) percent of the total gross revenue from the sale of food and beverages.~~

Adopted 10/6/2006.

Absent - Colvin Roy.

PS&RS - Your Committee, having under consideration the application of Full & Content Inc, dba Black Bamboo, 333 S 7th St, for an On-Sale Wine Class E with Strong Beer License (new business) to expire April 1, 2007, and having held a public hearing thereon, now recommends that said license be granted, subject to final inspection and compliance with all provisions of applicable codes and ordinances.

Adopted 10/6/2006.

Absent - Colvin Roy.

PS&RS - Your Committee, having under consideration the application of Was Partners LLC, dba Nochee, 500 Washington Av S, for an On-Sale Liquor Class B with Sunday Sales License (outdoor entertainment upgrade from Class E to Class C-1 to allow up to five non-amplified musicians) to expire January 1, 2007, and having held a public hearing thereon, now recommends that said license application be denied.

Adopted 10/6/2006.

Absent - Colvin Roy.

PS&RS - Your Committee recommends passage of the accompanying resolution approving Licensing Settlement Conference recommendations relating to the On-Sale Liquor License held by Nochee, 500 Washington Av S.

Adopted 10/6/2006.

Absent - Colvin Roy.

Resolution 2006R-499, approving Licensing Settlement Conference recommendations relating to the On-Sale Liquor License held by Nochee, 500 Washington Av S, was adopted 10/6/2006 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2006R-499

By Samuels

Approving Licensing Settlement Conference recommendations relating to the On-Sale Liquor License held by Nochee, 500 Washington Av S.

Whereas, the Licenses & Consumer Services Division held a Licensing Settlement Conference Meeting on August 10, 2006 with the licensee to discuss issues related to the operation of Nochee located at 500 Washington Av S; and

Whereas, the Public Safety & Regulatory Services Committee received Findings of Fact, Conclusions and Recommendations as a result of the licensee violating the Minneapolis Code of Ordinances and City of Minneapolis Policy when employees provided alcohol to persons under the age of 21 on two separate occasions within a period of less than 15 months;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That the On-Sale Liquor License issued to Nochee shall be subject to adverse license action up to and including revocation, with the commencement of such adverse license action stayed through and including April 21, 2007, subject to full compliance with the following conditions, as more fully set forth in said Findings on file in the Office of the City Clerk which are hereby made a part of this report by reference:

1. It is strongly suggested that Nochee require all customers who purchase alcohol to produce identification, as listed in Minnesota Statute Section 340A.503, Subdivision 6. Nochee has full knowledge of the consequences regarding any future incidents involving the sale of alcohol to minors and understands that such incidents could lead to a revocation of its On-Sale Liquor License. Nochee agrees to take any necessary steps to assure persons under the age of 21 are properly identified when alcohol purchases are made, including but not limited to purchase and utilization of an electronic identification card reading device.

2. A financial penalty of \$3,000 will be levied against Nochee, of which \$2,500 will be stayed through April 21, 2007, provided that no further incidents of sale of alcohol to a minor, as defined by Minnesota State Statute 340A.503, Subdivision (1) and (2) or Section 370.10 of the Minneapolis Code of Ordinances, occur.

3. The On-Sale Liquor License held by Nochee shall be suspended for a period of 30 days. Imposition of said suspension will be stayed through April 21, 2007, provided that no further incidents of sale of alcohol to a minor, as defined by Minnesota State Statute 340A.503 Subdivision (1) and (2)

or Section 370.10 of the Minneapolis Code of Ordinances, occur. A criminal conviction of said violation against any Nochee employee, or any finding against Nochee for an administration citation for the sale of alcohol to a minor, shall constitute proof of sale of alcohol to a minor.

4. Should the licensee violate any provision of this Agreement while it is in effect, it shall be subject to additional adverse license action, including but not limited to the imposition of the stayed license suspension period, the stayed financial penalty, as well as the potential commencement of license revocation proceedings.

5. All Nochee employees, managers and owners involved in the daily operations of the business will attend professionally-presented alcohol server training. This training shall occur on a yearly basis. All employees, managers or owners hired or brought into the business after this initial training must attend a training class within 30 days of hire or approval as business owner.

6. A properly trained manager or owner must be on site during business hours at all times.

7. This Agreement does not alter or preclude any previously imposed license conditions that may exist.

8. The licensee is aware that it will be subject to additional compliance checks during the term of this Agreement. As is policy of the City of Minneapolis, the decoys will at all times respond truthfully to any questions asked of them by employees or sales clerks of the licensee and, if asked, will present their actual duly-issued age identification.

9. This Agreement shall not preclude any other adverse license action, including but not limited to suspension or revocation, for subsequent violations of this Agreement, or for subsequent violations or subsequently-discovered violations of any federal, state or local laws, ordinances or regulations.

10. This Agreement shall remain in effect through and including April 21, 2007. It is understood between the parties that this Agreement shall bind only the present licensee and will not bind any subsequent, unrelated person or persons should the business be sold and a new license approved.

Adopted 10/6/2006.

Absent - Colvin Roy.

PS&RS - Your Committee recommends passage of the accompanying resolution granting applications for Liquor, Wine and Beer Licenses.

Schiff moved that the resolution be amended by deleting the license application submitted by La Vina Inc, dba La Vina Restaurant & Bar, 3404 Cedar Av S for an On-Sale Wine Class D with Strong Beer License (new business); and that the Licenses Petition No 271532 be amended on Page 29, #276, by postponing the application of La Vina Restaurant & Bar, 3404 Cedar Av S. Seconded.

The report, with the amended resolution, was adopted 10/6/2006.

Absent - Colvin Roy.

Resolution 2006R-500, granting applications for Liquor, Wine and Beer Licenses, was adopted 10/6/2006 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2006R-500

By Samuels

Granting Liquor, Wine and Beer Licenses.

Resolved by The City Council of The City of Minneapolis:

That the following applications for liquor, wine and beer licenses be granted, subject to final inspection and compliance with all provisions of applicable codes and ordinances:

Off-Sale Liquor, to expire July 1, 2007

Sentryz Falyce A, dba Sentryz Liquor & Supermarket, 1612 2nd St NE, 1st floor

Off-Sale Liquor, to expire October 1, 2007

D T B Corporation, dba Greenway Liquor, 105 W Grant St

Meka Corp, dba Minnehaha Liquor Store, 2613 E Lake St

Thind Family LLC, dba Camden Liquors, 4153 Lyndale Av N

McDonalds Liquor Inc, dba McDonalds Liquor Store, 5010 34th Av S

On-Sale Liquor Class A with Sunday Sales, to expire April 1, 2007

Karma Entertainment LLC, dba Karma, 315 1st Av N

Wolfgang Puck Catering and Events LLC, dba Wolfgang Puck Catering, 1750 Hennepin Av

On-Sale Liquor Class A with Sunday Sales, to expire July 1, 2007

Screaming Triangle LLC, dba Minneapolis Eagle, 515 Washington Av S

I & E Inc, dba Bunker's, 761 Washington Av N, 1st floor

On-Sale Liquor Class A with Sunday Sales, to expire October 1, 2006

Old Chicago of Colorado Inc, dba Old Chicago, 510 1st Av N (new manager)

Aramark Food Service Corp, dba Target Center, 600 1st Av N (new manager)

Rock Bottom of Minneapolis Inc, dba Rock Bottom Brewery, 800 LaSalle Av (new manager)

On-Sale Liquor Class A with Sunday Sales, to expire October 1, 2007

Nath Midwest Lodging LLC, dba Ramada Inn, 41 10th St N

Lee Consultants Ltd, dba Sticks, 708 1st St N

Minnesota Orchestral Association, dba Orchestra Hall, 1111 Nicollet Mall

On-Sale Liquor Class B with Sunday Sales, to expire July 1, 2007

Brothers of Minneapolis Inc, dba Brothers, 430 1st Av N, Suite 100

On-Sale Liquor Class B with Sunday Sales, to expire October 1, 2007

Solera Restaurant Holdings LLC, dba Solera Restaurant, 900 Hennepin Av

On-Sale Liquor Class C-1 with Sunday Sales, to expire April 1, 2007

K & K Hospitality LLC, dba Erte, 1304 University Av NE

On-Sale Liquor Class C-1 with Sunday Sales, to expire July 1, 2007

Kilimanjaro Cafe Inc, dba Kilimanjaro Cafe, 324 Cedar Av S

On-Sale Liquor Class C-1 with Sunday Sales, to expire October 1, 2007

Local LLC, dba Local an Epurican Cafe & Pub, 931 Nicollet Mall

On-Sale Liquor Class C-2 with Sunday Sales, to expire October 1, 2007

Two Mac Inc, dba Mackenzie, 918 Hennepin Av

On-Sale Liquor Class E with Sunday Sales, to expire January 1, 2007

Azia Inc, dba Azia, 2550 Nicollet Av

On-Sale Liquor Class E with Sunday Sales, to expire July 1, 2007

Complete Beverage Service Inc, dba J J's Dry Dock Cafe, 401 3rd St N

Woman's Club of Minneapolis, dba Woman's Club of Minneapolis, 410 Oak Grove St

Cedar Point Inc, dba Palmers Bar, 500 Cedar Av S

Psycho Suzis Motor Lounge LLC, dba Psycho Suzis Motor Lodge, 2519 Marshall St NE

Urban Entrepreneurs LLC, dba Independent, 3001 Hennepin Av

On-Sale Liquor Class E with Sunday Sales, to expire October 1, 2006

Aramark Food Service Corporation, dba Aramark, 500 11th Av S (new manager)

On-Sale Liquor Class E with Sunday Sales, to expire October 1, 2007

Graves Hospitality Corp, dba Downtown Residence Inn, 45 S 8th St

McCormick & Schmick Restaurant Corp, dba McCormick & Schmicks Seafood Restaurant, 800 Nicollet Mall

RCSH Operations Inc, dba Ruth's Chris Steak House, 920 2nd Av S

Levit Holdings Ltd, dba Ichiban Japanese Steakhouse, 1333 Nicollet Mall

Haracz Inc, dba Jimmy's Bar & Lounge, 1828 4th St NE

Lai Wong Inc, dba Red Dragon Inn, 2116 Lyndale Av S

Midtown Exchange Hotel LLC, dba Sheraton Restaurant, 2901 Chicago Av (new business)

On-Sale Liquor Class E, to expire October 1, 2007

Stand Up Frank's Inc, dba Stand Up Frank's, 2027 2nd St N, 1st floor

On-Sale Wine Class E with Strong Beer, to expire April 1, 2007

Little Tel-Aviv Inc, dba Little Tel Aviv, 3238 W Lake St

Off-Sale Beer, to expire April 1, 2007

Dokken's Inc, dba Dokken's Superette, 2809 E 42nd St.

Adopted 10/6/2006.

Absent - Colvin Roy.

PS&RS - Your Committee recommends passage of the accompanying resolution granting applications for Business Licenses.

Adopted 10/6/2006.

Absent - Colvin Roy.

Resolution 2006R-501, granting applications for Business Licenses, was adopted 10/6/2006 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2006R-501

By Samuels

Granting applications for Business Licenses.

Resolved by The City Council of The City of Minneapolis:

That the following applications for business licenses (including provisional licenses) as per list on file and of record in the Office of the City Clerk under date of October 6, 2006 be granted, subject to final inspection and compliance with all provisions of the applicable codes and ordinances (Petr No 271532):

Car Wash; Dancing School; Dry Cleaning & Laundry Pickup Station; Place of Entertainment; Fire Extinguisher Servicing Class A; Fire Extinguisher Servicing Class B; Farm - Produce Permits; Grocery; Food Market Manufacturer; Meat Market; Milk & Grocery Delivery Vehicle; Mobile Food Vendor; Restaurant; Short-Term Food Permit; Sidewalk Cafe; Gasfitter Class A; Gasoline Filling Station; Heating, Air Conditioning & Ventilating Class A; Motor Vehicle Dealer - Used Only; Motor Vehicle Immobilization Service; Motor Vehicle Repair Garage; Motor Vehicle Repair Garage with Accessory Use; Towing Class B; Commercial Parking Lot Class A; Commercial Parking Lot Class B; Resin Manufacturer; Secondhand Goods Class B; Antique Dealer Class B; Skating Rink - Ice, Roller; Sign Hanger; Solid Waste Hauler; Suntanning Facility; Tattooist/Body Piercer; Taxicab Vehicle; Medical Contract Carrier; Theater Zone I; Tobacco Dealer; Transient Merchant; Tree Servicing.

Adopted 10/6/2006.

Absent - Colvin Roy.

PS&RS - Your Committee recommends passage of the accompanying resolution granting applications for Gambling Licenses.

Adopted 10/6/2006.

Absent - Colvin Roy.

Resolution 2006R-502, granting applications for Gambling Licenses, was adopted 10/6/2006 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2006R-502

By Samuels

Granting applications for Gambling Licenses.

Resolved by The City Council of The City of Minneapolis:

That the following applications for gambling licenses be granted, subject to final inspection and compliance with all provisions of applicable codes and ordinances:

Gambling Lawful Exempt

Church of the Holy Cross, dba Church of the Holy Cross, 1621 University Av NE (Bingo, Raffle and Pulltabs November 12, 2006 in Church basement)

Church of St. Boniface, dba Church of St. Boniface, 629 2nd St NE (Raffle, Paddlewheel and Pulltabs November 21, 2006 in Church basement)

Church of St. Albert the Great, dba Church of St. Albert the Great, 2835 33rd Av S (Bingo and Raffles October 22, 2006 in Church basement)

Church of St. Boniface, dba Church of St. Boniface, 629 2nd St NE (Raffle and Pulltabs November 18, 2006 in Church hall).

Adopted 10/6/2006.

Absent - Colvin Roy.

PS&RS - Your Committee, having under consideration the Rental Dwelling License held by Randolph Anderson & Urban Choice Apartments LLC for the property located at 2510 4th St N, and having received Findings of Fact, Conclusions and Recommendations arising from a Rental Dwelling License Board of Appeals hearing held on August 29, 2006, now recommends concurrence with the recommendation of the Board of Appeals that said license be revoked for failure to meet the licensing standard of conduct on licensed premises, pursuant to Section 244.2020 of the Minneapolis Code of Ordinances, as more fully set forth in said Findings on file in the Office of the City Clerk which are hereby made a part of this report by reference.

Adopted 10/6/2006.

Absent - Colvin Roy.

PS&RS - Your Committee, having under consideration the Grocery and Tobacco Dealer Licenses held by Uncle Bill's Market, Inc, dba Uncle Bill's Market, 2428 Plymouth Av N, and an Administrative Hearing having been held before Administrative Law Judge Richard C. Luis who has issued Findings of Fact, Conclusions of Law and a Recommendation that the City Council take adverse action against the licenses held by Uncle Bill's Market, now recommends the following:

a. adoption of the Findings of Fact and Report of Administrative Law Judge Luis.

b. that all licenses held by Uncle Bill's Market be revoked, in accordance with the Findings of Fact, Conclusions and Recommendation of the Public Safety & Regulatory Services, on file in the Office of the City Clerk which are hereby made a part of this report by reference.

c. that the licensee's request for a stay of the Committee's revocation recommendation, in the event of an appeal, be denied.

Adopted 10/6/2006.

Absent - Colvin Roy.

PS&RS - Your Committee, having under consideration the property located at 3712 28th Av S which has been deemed by the Director of Inspections to constitute a nuisance condition within the meaning of Chapter 249 of the Minneapolis Code of Ordinances, now recommends that the proper City Officers be authorized to demolish said property legally described as Lot 4 and South 6 7/12 feet of Lot 3, Block

8, Hull's Addition to Minneapolis (PID #01-028-24-43-0201), in accordance with the Findings of Fact, Conclusions and Recommendations which are on file in the Office of the City Clerk and made a part of this report by reference.

Adopted 10/6/2006.

Absent - Colvin Roy.

PS&RS - Your Committee, having under consideration the property located at 1830 Bryant Av N which has been deemed by the Director of Inspections to constitute a nuisance condition within the meaning of Chapter 249 of the Minneapolis Code of Ordinances, now recommends that the proper City Officers be authorized to demolish said property legally described as the South 29 feet of Lot 1, Block 42, Sherburne and Beebe's Addition to Minneapolis (PID #16-029-24-41-0078), in accordance with the Findings of Fact, Conclusions and Recommendations which are on file in the Office of the City Clerk and made a part of this report by reference.

Further having under consideration a request by the property owner for a stay of the Committee's demolition recommendation, in the event of an appeal, now recommends that the request for a stay be denied.

Adopted 10/6/2006.

Absent - Colvin Roy.

PS&RS - Your Committee, having under consideration the property located at 2815 14th Av N which has been deemed by the Director of Inspections to constitute a nuisance condition within the meaning of Chapter 249 of the Minneapolis Code of Ordinances, now recommends that the property owner be authorized to rehabilitate the property, in accordance with the following conditions and the Findings of Fact, Conclusions and Recommendations are on file in the Office of the City Clerk, which are hereby made a part of this report by reference:

a. that the owner post a bond in the amount of \$84,058.27.

b. that said rehabilitation be completed no later than December 31, 2006.

Adopted 10/6/2006.

Absent - Colvin Roy.

The **TRANSPORTATION & PUBLIC WORKS** Committee submitted the following reports:

T&PW - Your Committee recommends passage of the accompanying resolution adopting the assessments, levying the assessments and adopting the assessment rolls for water and sewer service line repairs or replacements on the lists of properties set forth in Petn. No. 271538.

Adopted 10/6/2006.

Absent - Colvin Roy.

Resolution 2006R-503, adopting the assessments, levying the assessments, and adopting the assessment rolls for water and sewer service line repairs or replacements on the lists of properties set forth in Petn No 271538, was adopted 10/6/2006 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2006R-503

By Colvin Roy

Adopting the assessments, levying the assessments, and adopting the assessment rolls for water and sewer service line repairs or replacements on the lists of properties set forth in Petn No 271538.

Whereas, a public hearing was held on September 26, 2006 in accordance with Section 509.465 of the Minneapolis Code of Ordinances to consider the proposed assessments as shown on the

proposed assessment rolls on file in the office of the City Clerk, and to consider all written and oral objections and statements regarding this matter;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That the proposed assessment for the property identified as 4400 Nokomis Av S, Property ID No. 12-028-24-44-0144, in the amount of \$3,355.00, be removed from this assessment roll;

That the proposed assessments against the affected properties on the Water Service Line Repair List, dated September 15, 2006, set forth in Petn No 271538 in the total amount of \$418,546.70, as shown on the proposed assessment roll on file in the office of the City Clerk, be reduced by \$3,355.00 to \$415,191.70 as a result of the above deletion, hereby are adopted and levied;

That the proposed assessment for the property identified as 4201 Penn Av N, Property ID No. 05-029-24-11-0149, in the amount of \$6,270, be waived;

That the proposed assessments against the affected properties on the Sewer Service Line Repair List, dated September 15, 2006, set forth in Petn No 271538 in the total amount of \$96,992.50, as shown on the proposed assessment roll on file in the office of the City Clerk, be reduced by \$6,270 to \$90,722.50 as a result of the above waiver, hereby are adopted and levied.

Be It Further Resolved that the assessments be collected in five (5) successive equal annual principal installments beginning on the 2007 real estate tax statements with interest charged at the rate of 8%.

Be It Further Resolved that the assessment rolls as prepared by the City Engineer be and hereby are adopted and that the City Clerk is hereby directed to transmit certified copies of said assessment rolls to the Hennepin County Auditor.

Adopted 10/6/2006.

Absent - Colvin Roy.

T&PW - Your Committee, having under consideration the Nicollet Av S Special Service District, and having held a public hearing thereon, now recommends passage of the accompanying resolution approving special services, the cost estimate, service charges, and the list of service charges for 2006 and 2007 for the Nicollet Av S Special Service District, and directing the City Engineer to proceed with the work.

Adopted 10/6/2006.

Absent - Colvin Roy.

Resolution 2006R-504, approving special services, the cost estimates, service charges, and the list of service charges for 2006 and 2007 in the Nicollet Av S Special Service District, and directing the City Engineer to proceed with the work, was adopted 10/6/2006 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2006R-504

By Colvin Roy

Approving special services, the cost estimates, service charges, and the list of service charges for 2006 and 2007 in the Nicollet Av S Special Service District, and directing the City Engineer to proceed with the work.

Whereas, a public hearing was held on September 26, 2006 in accordance with Laws of Minnesota, 1985, Chapter 302, Laws of Minnesota, 1993, Chapter 375, Article 5, Sections 35 through 38, Laws of Minnesota, 1995, Chapter 264, Article 3, Section 28, Laws of Minnesota, 1996, Chapter 471, Article 8, Section 44 and Chapter 448 of the Minneapolis Code of Ordinances, to consider the proposed special services, the proposed service charges and the proposed list of service charges, as more particularly described in Petn No 271538 on file in the office of the City Clerk, and to consider all written and oral objections and statements regarding this matter;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That the proposed special services, the proposed cost estimate in the total amount of \$45,000 for 2006 and \$85,000 for 2007 and the proposed service charges and the proposed list of service charges for 2006 and 2007 in the total amount of \$189,000 (amount remaining after adjusting the cost estimate of \$130,000 for previous years' unexpended balances and additional costs as provided for in Chapter 448 of the Minneapolis Code of Ordinances) as prepared by the City Engineer and on file in the office of the City Clerk, be and hereby are approved for the Nicollet Av S Special Service District.

Be It Further Resolved that the service charges be collected in one (1) installment on the 2007 real estate tax statements in the same manner as special assessments, without interest charges, and that the City Clerk is hereby directed to transmit certified copies of said lists of service charges to the Hennepin County Auditor.

Be It Further Resolved that the City Engineer is hereby directed to proceed with the work.

Adopted 10/6/2006.

Absent - Colvin Roy.

T&PW - Your Committee recommends that the proper City officers be authorized to issue a Request for Proposals (RFP) for commissioning services to lead, review, and oversee the design and construction of the Hiawatha Public Works Facility, located at 1901 East 26th Street, in order to achieve Leadership in Energy and Environmental Design (LEED) standards.

Adopted 10/6/2006.

Absent - Colvin Roy.

T&PW - Your Committee, having under consideration the reconstruction of Richfield Road, now recommends that the proper City officers be authorized to amend Contract No. C-20745 with Shafer Contracting Co. Inc., increasing the contract by \$91,284.85, for a revised contract total of \$1,952,718.95, to provide for change orders and work orders associated with the project. No additional appropriation required.

Adopted 10/6/2006.

Absent - Colvin Roy.

T&PW - Your Committee, having under consideration streetscape petitions for Lake Street (Dupont Av S to Blaisdell Av S) and Lyndale Avenue (W 29th Street to W 31st St), now recommends:

- a) Accepting the Base and Enhanced Level Streetscape petitions from the abutting property owners;
- b) Directing the City Engineer to proceed with the design of the Lake Street Base and Enhanced Level Streetscape Project; and
- c) Approving the establishment of Special Service Districts for Lake Street and Lyndale Avenue and directing the proper City officers to begin the development of the enabling ordinances.

Adopted 10/6/2006.

Absent - Colvin Roy.

T&PW - Your Committee, having reviewed the request from Dan Reuter, on behalf of Bachman's Inc. (6010 Lyndale Av S) for a Special Boulevard Permit to pave a three-foot wide boulevard with concrete sidewalk along Bachman's commercial frontage on Lyndale Avenue South from the south property line up to, but not including, 5936 Lyndale Av S, now recommends that said permit be granted.

Adopted 10/6/2006.

Absent - Colvin Roy.

T&PW - Your Committee, having under consideration a land exchange between the City of Minneapolis and the Minneapolis Park and Recreation Board (MPRB), now recommends that the following staff recommendations be **sent forward without recommendation**:

- a) Approval of the conveyance to the MPRB of the City-owned parcels located at 2000 W River Rd N, 1-17th Av N, and 2-17th Av N in exchange for certain MPRB-owned land, as determined by the Director of Public Works;

b) Authorizing the proper City officers to execute a Quit Claim Deed, and any other documents necessary, to convey the property to the MPRB and facilitate the transaction; and

c) Acceptance of the conveyance of MPRB-owned land as consideration for the transfer of the above-mentioned City-owned land.

Glidden moved to amend the report by deleting the language, "sent forward without recommendation," and inserting in lieu thereof, "approved". Seconded.

Adopted upon a voice vote.

The report, as amended, was adopted 10/6/2006.

Absent - Colvin Roy.

The **TRANSPORTATION & PUBLIC WORKS** and **WAYS & MEANS/BUDGET** Committees submitted the following reports:

T&PW & W&M/Budget - Your Committee, having under consideration the 2nd Street SE Sanitary Sewer Project No. 4421, and having held a public hearing thereon, now recommends passage of the accompanying resolutions:

a) Ordering the work to proceed and adopting the special assessments in the total amount of \$91,450, and approving City funding of \$11,962 from existing appropriation in the Sewer Enterprise Fund;

b) Requesting the Board of Estimate and Taxation to issue and sell bonds in the amount of \$91,450; and

c) Increasing the appropriation and revenue for the project by \$91,450.

Adopted 10/6/2006.

Absent - Colvin Roy.

Resolution 2006R-505, ordering the work to proceed and adopting the special assessments for the 2nd Street SE Sanitary Sewer Project, was adopted 10/6/2006 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2006R-505
By Colvin Roy and Ostrow

2nd STREET SE SANITARY SEWER PROJECT NO 4421

Ordering the work to proceed and adopting the special assessments for the 2nd Street SE Sanitary Sewer Project.

Whereas, a public hearing was held on September 26, 2006 in accordance with Minnesota Statutes Chapter 429, Chapter 9, Section 4 and Chapter 10, Section 6 of the Minneapolis City Charter to consider the proposed improvements as designated in Resolution 2006R-453, passed September 1, 2006, to consider the proposed special assessments as on file in the office of the City Clerk, and to consider all written and oral objections and statements regarding the proposed improvements and the proposed special assessments;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That the City Engineer is hereby ordered to proceed and do the work as designated in said Resolution 2006R-453, passed September 1, 2006.

Be It Further Resolved that the City's portion of the costs for the public sanitary sewer in the amount of \$11,962 be paid from the PW-Sewer Construction-Capital Agency in the Sewer Enterprise Fund (7300-932-9322-SW001).

Be It Further Resolved that the special assessments in the total amount of \$91,450 be and hereby are adopted and assessed against the benefited properties.

Be It Further Resolved that for the 2nd Street SE Sanitary Sewer Project, the number of successive equal annual principal installments by which the special assessments may be paid shall be fixed at twenty (20) and that the interest be charged at the same rate as the assessment bonds are sold for, with collection of the special assessments to begin on the 2008 real estate tax statements.

Adopted 10/6/2006.

Absent - Colvin Roy.

Resolution 2006R-506, requesting the Board of Estimate and Taxation to issue and sell City of Minneapolis bonds in the amount of \$91,450 for the purpose of paying the assessed cost of sanitary sewer improvements in the 2nd Street SE Sanitary Sewer Project No 4421, was adopted 10/6/2006 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2006R-506
By Colvin Roy and Ostrow

Requesting the Board of Estimate and Taxation to issue and sell City of Minneapolis bonds in the amount of \$91,450 for certain purposes other than the purchase of public utilities.

Resolved by The City Council of The City of Minneapolis:

That the Board of Estimate and Taxation be requested to incur indebtedness and issue and sell City of Minneapolis bonds for the purpose of paying the assessed cost of sanitary sewer improvements in the 2nd Street SE Sanitary Sewer Project No 4421 to be assessed against benefited properties as estimated by the City Council, which assessments shall be collectible in twenty (20) successive annual installments, payable in the same manner as real estate taxes.

Adopted 10/6/2006.

Absent - Colvin Roy.

RESOLUTION 2006R-507
By Colvin Roy and Ostrow

Amending The 2006 Capital Improvement Appropriation Resolution.

Resolved by The City Council of The City of Minneapolis:

That the above-entitled resolution, as amended, be further amended by increasing the appropriation for the PW-Sewer Construction-Capital Agency in the Sewer Enterprise Fund (7300-932-9322-SW001) by \$91,450 and increasing the revenue source (7300-932-9322-Source 3880) by \$91,450.

Adopted 10/6/2006.

Absent - Colvin Roy.

T&PW & W&M/Budget - Your Committee recommends acceptance of a partial perimeter security fence system from Zareba Security Systems, with an estimated overall value of \$16,500, for the purpose of testing and evaluation for potential future City-wide installation.

Adopted 10/6/2006.

Absent - Colvin Roy.

T&PW & W&M/Budget - Your Committee, having under consideration the 1998-2004 Parkway Paving Programs, now recommends passage of the accompanying resolution:

a) Closing project funds for Saint Anthony Phase 1, Minnehaha Parkway Phase 1, Theo Wirth Phase 1, Theo Wirth Phase 2, West Lake Calhoun, Dean Parkway, Saint Anthony Phase 2, Minnehaha Parkway Phase 2, East River Road at 27th Street, Minnehaha Parkway Phase 3, Victory Memorial

Parkway, Minnehaha Parkway Phase 4, East River Road, Minnehaha Parkway Phase 5, Minnehaha Parkway Phase 6, West Nokomis Parkway, East Nokomis Phase 1, East Nokomis Phase 2;

b) Reallocating excess Net Debt Bonds and increasing the appropriate appropriations and revenues; and

c) Requesting concurrence of the Board of Estimate and Taxation in the reallocation of the Net Debt Bonds.

Adopted 10/6/2006.

Absent - Colvin Roy.

Approved by Mayor Rybak 10/6/06.

(Published 10/11/06)

Resolution 2006R-508, closing out the 1998-2004 Parkway Paving Programs and reallocating excess bond proceeds to the 2006 Parkway Paving Program and requesting concurrence of the Board of Estimate and Taxation in the reallocation of the Net Debt Bonds, was adopted 10/6/2006 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2006R-508

By Colvin Roy & Ostrow

Closing out the 1998-2004 Parkway Paving Programs and reallocating excess bond proceeds to the 2006 Parkway Paving Program and requesting concurrence of the Board of Estimate and Taxation in the reallocation of the Net Debt Bonds.

Resolved by The City Council of The City of Minneapolis:

That the 1998-2004 Parkway Paving Program appropriations be closed out by reducing the following capital appropriations and reallocating the excess bond proceeds to 2006 Parkway Paving (4100-937-9372-PV601) in the PW-Paving Construction-Capital Agency in the Permanent Improvement Projects Fund. Also, these projects have been completed and financially the revenues equal the expenses, therefore the projects should be closed.

Be It Further Resolved that the excess Net Debt Bonds be reallocated with a capital appropriation increase and revenue budget increase as follows:

- Receive and accept final costs of all paving-related work for the 1998 Parkway Paving Program with a total cost of \$400,530.67. Closeout all remaining 1998 Parkway Paving Program (98PKY) appropriations from Resolution 1997R-393. Paving Construction capital appropriation in 4100-937-9372 project (98PKY) should be decreased by \$49,348.26 and close the project.
- Receive and accept final costs of all paving-related work for the 1999 Parkway Paving Program with a total cost of \$730,940.79. Closeout all remaining 1999 Parkway Paving Program (99PKY) appropriations from Resolution 1998R-469 and close the project.
- Receive and accept final costs of all paving-related work for the 2000 Parkway Paving Program with a total cost of \$1,203,854.26. Closeout all remaining 2000 Parkway Paving Program (00PKY) appropriations from Resolution 1999R-426. Paving Construction capital appropriation in 4100-937-9372 project (00PKY) should be decreased by \$468,326.02 and close the project.
- Receive and accept final costs of all paving-related work for the 2001 Parkway Paving Program with a total cost of \$953,257.81. Closeout all remaining 2001 Parkway Paving Program (01PKY) appropriations from Resolution 2000R-536. Paving Construction capital appropriation in 4100-937-9372 project (01PKY) should be decreased by \$146,742.19 and close the project.
- Receive and accept final costs of all paving-related work for the 2002 Parkway Paving Program with a total cost of \$1,044,166.04. Closeout all remaining 2002 Parkway Paving Program (02PKY) appropriations from Resolution 2001R-507. Paving Construction capital appropriation in 4100-937-9372 project (02PKY) should be decreased by \$55,833.96 and close the project.

- Receive and accept final costs of all paving-related work for the 2003 Parkway Paving Program with a total cost of \$710,748.01. Closeout all remaining 2003 Parkway Paving Program (03PKY) appropriations from Resolutions 2002R-476 & 2004R-494 and close the project with no appropriation decrease required.
- Receive and accept final costs of all paving-related work for the 2004 Parkway Paving Program (PV001) with a total cost of \$660,611.43. Closeout all remaining 2004 Parkway Paving appropriations from Resolution 2003R-612. Paving Construction capital appropriations in 4100-937-9372 project (PV001) should be decreased by \$28,826.67 and close the project.

Be It Further Resolved that the City Council amend the 2006 Capital Appropriation Resolution 2005R-658, as amended, by reallocating \$399,077.10 of Net Debt Bonds (NDB) that become available as the result of the above project closeouts to the 2006 Parkway Paving Program (PV601) with a corresponding appropriation increase and revenue budget increase to the Paving Construction Agency (4100-937-9372).

Be It Further Resolved that your Committee requests the concurrence of the Board of Estimate and Taxation in the reallocation of already sold Net Debt Bonds in the amount of \$399,077.10 from the 2003 Parkway Paving Program (03PKY) and 2004 Parkway Paving Program (PV001) to the 2006 Parkway Paving Program (PV601).

Adopted 10/6/2006.

Absent - Colvin Roy.

Approved by Mayor Rybak 10/6/06.

T&PW & W&M/Budget - Your Committee recommends acceptance of the following bids submitted to the Public Works Department:

a) OP 6664, Accept low bid of Thomas and Sons Construction, Inc., in the amount of \$395,893.06, to furnish all labor, materials, equipment, and incidentals necessary for the Chicago Avenue Streetscape Project;

b) OP 6667, Accept low bid of Egan Companies, Inc., in the amount of \$271,500, to furnish all labor, materials, equipment, and incidentals necessary for the replacement and installation of light fixtures at the Orchestra Hall and Plaza Municipal Parking Ramps; and

c) OP 6669, Accept low bid of Minnesota Petroleum Service, Inc., in the amount of \$61,339.20, to furnish and install an E-85 vehicle fueling system at the Public Works Currie Maintenance Facility.

Your Committee further recommends that the proper City officers be authorized and directed to execute a contract for said services, all in accordance with City specifications and contingent upon approval of the Civil Rights Department. (Petn. No. 271540).

Adopted 10/6/2006.

Absent - Colvin Roy.

Approved by Mayor Rybak 10/6/06.

(Published 10/11/06)

The **WAYS & MEANS/BUDGET** Committee submitted the following reports:

W&M/Budget - Your Committee, having under consideration the finalists for the appointment to the Minneapolis Ethical Practices Board and having held a public hearing pursuant to Minneapolis Code of Ordinance Section 15.210, now recommends that the finalist applications of Thomas Schumacher and Patricia Kovel-Jarboe be received and filed (set forth in Petn 271541).

Adopted 10/6/2006.

Absent - Colvin Roy, Glidden.

W&M/Budget - Your Committee recommends passage of the accompanying Resolution authorizing the settlement of legal matters, as recommended by the City Attorney.

Adopted 10/6/2006.

Absent - Colvin Roy, Glidden.

Resolution 2006R-509, authorizing settlement of the legal claims of Alan Thomas, was adopted 10/6/2006 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2006R-509
By Ostrow

Authorizing legal settlement.

Resolved by The City Council of The City of Minneapolis:

That the City Attorney is authorized to proceed with settlement of Alan Thomas v. Jomar Villamore, Doug Dubay and the City of Minneapolis by payment of \$14,000, payable to Alan Thomas and his attorney, Peter Nickitas; and

Be It Further Resolved that the proper City officers be authorized to execute any documents necessary to effectuate said settlements.

Adopted 10/6/2006.

Absent - Colvin Roy, Glidden.

W&M/Budget - Your Committee recommends concurrence with the recommendation of the City Attorney approving the requests (as outlined in Petn No 271541) for the reimbursement of attorneys' fees as follows:

a) Payment of \$3,487.50 to Douglas R. Peterson for legal services provided to Council Member Schiff;

b) Payment of \$2,512.50 to Douglas R. Peterson for legal services provided to Council Member Goodman.

Adopted 10/6/2006.

Absent - Colvin Roy, Glidden.

W&M/Budget - Your Committee, having under consideration the Fraud/Ethics Reporting Line, now recommends the following:

a) Receive and file the Fraud/Ethics Reporting Line Committee report;

b) Direct, under the auspices of the City Coordinator's Office, the selection of a vendor for a fraud and ethics reporting line using a competitive procurement process;

c) Direct the City Coordinator' staff to make a recommendation about funding the fraud and ethics reporting line;

d) Direct appropriate staff, as coordinated by the City Coordinator's office, to implement the reporting line enterprise wide; and

e) Direct the City's Ethics Officer to provide semi-annual reports on the utilization of the fraud and ethics line to the Ways and Means/Budget Committee.

Your Committee further recommends that staff be directed to work with the City Coordinator to bring forward a recommendation for a permanent funding source for this reporting line as part of the 2007 budget deliberations and to report back to the Ways & Means/Budget Committee in the 1st Quarter of 2007 to address issues involving implementation of said reporting line.

Johnson moved that the report be postponed. Seconded.

Adopted upon a voice vote 10/6/2006.

Absent - Colvin Roy, Glidden.

(Published 10/21/2006, inadvertently omitted from 10/14/2006 publication)

W&M/Budget - Your Committee recommends that the proper City officers be authorized to amend Contract C-23271 with Parker Rosen, L.L.C., increasing the contract amount not to exceed \$125,000, for services regarding complaints against Chief Bleskachek.

Adopted 10/6/2006.

Absent - Colvin Roy, Glidden.

W&M/Budget - Your Committee recommends that the proper City officers be authorized to amend the Unisys Managed Services Contract C-18881, to increase the scope in the amount of \$89,624 to expand the current Stellent Record Management system to a full-fledged enterprise system.

Adopted 10/6/2006.

Absent - Colvin Roy, Glidden.

W&M/Budget - Your Committee recommends passage of the accompanying Resolution a) approving the appointments of Edward L. Anderson, Jeffrey A. Washburne and Shirlynn M. LaChapelle to the Minneapolis Empowerment Zone (EZ) Governance Board for terms to expire on September 20, 2009; and b) reopening the process for resident representatives.

Adopted 10/6/2006.

Absent - Colvin Roy, Glidden.

Resolution 2006R-510, approving the appointments of Edward L. Anderson, Jeffrey A. Washburne and Shirlynn M. LaChapelle to the Minneapolis Empowerment Zone Governance Board and reopening the process for resident representatives, was adopted 10/6/2006 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2006R-510

By Ostrow

Approving appointments to the Minneapolis Empowerment Zone Governance Board.

Resolved by The City Council of The City of Minneapolis:

That the City Council concurs with the recommendation of the Minneapolis Empowerment Zone Governance Board Executive Committee in the following:

- a) Appointments of Edward L. Anderson, Jeffrey A. Washburne and Shirlynn M. LaChapelle to the Minneapolis Empowerment Zone Governance Board for terms to expire on September 20, 2009; and
- b) Reopening the process for resident representatives.

Adopted 10/6/2006.

Absent - Colvin Roy, Glidden.

W&M/Budget - Your Committee, having under consideration the Federal Empowerment Zone Grant funds, now recommends:

- a) Concurrence with the Empowerment Zone Governance Board's recommendation to approve funding of the Pillsbury United Communities (PUC) proposal in the amount of \$350,000 for renovation of the Hubbard Building at 1101 West Broadway; and

- b) That the proper City officers be authorized to execute a contract with Pillsbury United Communities setting forth the terms and conditions of the agreement.

Adopted 10/6/2006.

Absent - Colvin Roy, Glidden.

W&M/Budget - Your Committee recommends passage of the accompanying Resolution approving the terms of a 3 year labor agreement with the Minneapolis Police Officers Federation, effective October 15, 2005 through October 14, 2008.

Adopted 10/6/2006.

Absent - Colvin Roy, Glidden.

Resolution 2006R-511, approving the terms of a three-year labor agreement with the Minneapolis Police Officers Federation, was adopted 10/6/2006 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2006R-511

By Ostrow

Approving the terms of a collective bargaining agreement with the Minneapolis Police Officers Federation and authorizing execution and implementation of said agreement.

Resolved by The City Council of The City of Minneapolis:

That the executive summary of the collective bargaining agreement between the City of Minneapolis and the Minneapolis Police Officers Federation (Petn No 271544), be approved.

Be It Further Resolved that the proper City officers be authorized to prepare and execute said collective bargaining agreement consistent with the terms of the executive summary and that the Human Resources Director be authorized to implement the terms and conditions of the collective bargaining agreement upon its execution.

Adopted 10/6/2006.

Absent - Colvin Roy, Glidden.

The **ZONING & PLANNING** Committee submitted the following reports:

Z&P - Your Committee, having under consideration the appeal filed by Kathleen Geagan from the decision of the Board of Adjustment denying applications for variances to: a) increase the maximum height of a wall in the required corner side yard setback from 3 feet to allow for a portion of a wall that is 5 feet and 6 feet in height; and b) reduce the side yard setback to allow for a patio in the required corner side yard setback at 4601 33rd Ave S, now recommends that said appeal be granted, and the applications be approved, subject to condition that the opaque portion of the fence and wall shall be reduced by one foot from the original plan.

Adopted 10/6/2006.

Absent - Colvin Roy.

Z&P - Your Committee, having under consideration the appeal filed by Mark Rabinovitch from the decision of the Board of Adjustment which granted the application of William and Lisa Lundberg for a variance to reduce the required front yard setback along Penn Ave S from 20 feet to 13 feet - 11 1/4 inches, to allow for a two-story addition that includes an attached, tuck-under garage and a rear deck at 2223 49th St W, now recommends that said appeal be denied and the decision of the Board of Adjustment be upheld, and that the findings prepared by the Department of Community Planning & Economic Development staff be adopted.

Adopted 10/6/2006.

Absent - Colvin Roy.

Z&P - Your Committee, having under consideration the appeal filed by Cedar Petroleum, Inc. from the decision of the Planning Commission denying the following applications for expansion of an existing automobile convenience facility and car wash at 1700 E Lake St: a) Expansion of a nonconforming use; b) Variance of the standards of the Pedestrian Oriented Overlay District to allow the building addition to be located more than 8 feet from a lot line adjacent to a street; c) Variance of the standards of the Pedestrian Oriented Overlay District to allow 2 new parking spaces to be located adjacent to the street intersection rather than the interior or rear of the site; d) Variance of the standards of the Pedestrian Oriented Overlay District to reduce the minimum amount of windows required on the east building facade of the addition; and e) Site plan review, now recommends that said appeal be granted and all applications approved, with the following conditions placed on the site plan review: 1) Vacuum pumps on the northeast corner of the site shall be removed; 2) Screening of trash shall meet site plan standards; 3) The 6-foot privacy fence shall be extended to align with the front of the residence at the north of the property, and a 3-foot fence shall extend from there to the west property line. The south side of the extended fence shall be landscaped with shrubbery sufficient in height to prevent graffiti;

- 4) All dead shrubs and trees shall be replaced with live shrubbery and enhanced landscaping; and
- 5) Temporary banners and signs are prohibited.

Adopted 10/6/2006.

Absent - Colvin Roy.

Z & P - Your Committee, to whom was referred an ordinance amending Title 21 of the Minneapolis Code of Ordinances by adding a new Chapter 580 *Providing for a Moratorium on new construction in the area of South Minneapolis bounded by Nicollet Ave (east and west, alley to alley) from Franklin Ave on the north to the Midtown Greenway/Hennepin County Regional Railroad Authority (HCRRA) on the south*, now recommends that said ordinance be given its second reading for amendment and passage.

Adopted 10/6/2006.

Absent - Colvin Roy.

Ordinance 2006-Or-110 amending Title 21 by adding a new Chapter 580 of the Minneapolis Code of Ordinances relating to *Interim Ordinances: Providing for a moratorium on new construction in the area of South Minneapolis bounded by Nicollet Ave (east and west, alley to alley) from Franklin Ave on the north to the Midtown Greenway/Hennepin County Regional Railroad Authority (HCRRA) right-of-way on the south*, was adopted 10/6/2006 by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized ordinance.

ORDINANCE 2006-Or-110

By Lilligren

Intro & 1st Reading: 8/18/2006

Ref to: Z & P

2nd Reading: 10/6/2006

Amending Title 21 of the Minneapolis Code of Ordinances by adding a new Chapter 580 relating to *Interim Ordinances: Providing for a moratorium on new construction in the area of South Minneapolis bounded by Nicollet Avenue (east and west, alley to alley) from Franklin Avenue on the north to the Midtown Greenway/Hennepin County Regional Railroad Authority (HCRRA) right-of-way on the south.*

The City Council of The City of Minneapolis do ordain as follows:

Section 1. That the Minneapolis Code of Ordinances be amended by adding thereto a new Chapter 580 to read as follows:

Chapter 580. Providing for a moratorium on new construction in the area of South Minneapolis bounded by Nicollet Avenue (east and west, alley to alley) from Franklin Avenue on the north to the Midtown Greenway/Hennepin County Regional Railroad Authority (HCRRA) right-of-way on the south.

580.10. Authority. Pursuant to Minnesota Statutes Section 462.355, Subd. 4, the city is authorized to establish interim ordinances to regulate, restrict or prohibit any use or development in all or a part of the city while the city or its planning department is conducting studies, or has authorized a study to be conducted, or has scheduled a hearing to consider adoption or amendment of the comprehensive plan or official zoning controls. In furtherance of this statutory authority, the city has enacted Chapter 529 of the zoning code which governs the establishment of interim ordinances. The city declares that this interim ordinance is established pursuant to the aforementioned statute and city ordinance.

580.20. Findings and purpose. The city council is concerned about the underdevelopment and underutilization of properties as well as the lack of pedestrian oriented developments in the area bounded by Nicollet Avenue (east to west, alley to alley) from Franklin Avenue to the Midtown/Hennepin County Regional Railroad Authority (HCRRA) right-of-way and has enacted an interim ordinance in order to allow for the completion of a study to inform future development in the area bounded by Nicollet Avenue (east to west, alley to alley) from Franklin Avenue to the Midtown Greenway/Hennepin County Regional Railroad Authority (HCRRA) right-of-way. The Pedestrian Oriented Overlay District and Development Guidelines Study, along with appropriate revisions to the city's official controls can ensure that activity in the area will not undermine the future orderly development of the area. The city finds that this interim ordinance should be adopted to protect this planning process and the health, safety and welfare of the citizens.

580.30. Zoning study. The area bounded by Nicollet Avenue (east to west, alley to alley) from Franklin Avenue to the Midtown/Hennepin County Regional Railroad Authority (HCRRA) right-of-way, as shown on the attached map, is hereby declared to be an interim zoning study area with respect to new construction and expansion of all development projects and uses not permitted as of right. The Planning Division of the Community Planning and Economic Development Department (CPED) is hereby directed to authorize and oversee the development of a study, in cooperation with the neighborhood organization, to inform the future development of the area and to propose such amendments to the city's comprehensive plan, official zoning controls, and other regulatory devices that the Planning Division deems advisable.

580.40. Restrictions. For a period of one (1) year from the date of introduction of this ordinance on August 18, 2006, no zoning approval, building permits, construction permits, demolition permits, licenses, or administrative waivers for new or expanded building construction not permitted as of right shall be allowed or granted by any city department for the study area bounded by Nicollet Avenue (east to west, alley to alley) from Franklin Avenue to the Midtown Greenway/Hennepin County Regional Railroad Authority (HCRRA) right-of-way. On those blocks without an alley, such restrictions shall apply to any zoning lot having frontage along Nicollet Avenue from Franklin Avenue to the Midtown Greenway/Hennepin County Regional Railroad Authority (HCRRA) right-of-way. These restrictions shall not apply to the issuance of permits for building construction permitted as of right by the zoning code, to development that has received approval of all required land use applications by the City Council, City Planning Commission, and/or Board of Adjustment prior to the effective date of this interim ordinance, or to remodeling or renovation of existing buildings that does not involve an expansion to the exterior dimensions of the building. For the purpose of this interim ordinance, "permitted as of right" shall mean construction that is not subject to one (1) or more land use applications requiring a public hearing under the zoning code.

580.50. Hardship. In cases of hardship, any person having a legal or equitable interest in land and aggrieved by the requirements of this interim ordinance may apply to the City Council for a waiver of all or a portion of the applicable restrictions as provided in Chapter 529 of the zoning code. A waiver may be granted where the City Council finds substantial hardship caused by the restrictions and finds that the waiver will not unduly affect the integrity of the planning process or the purposes for which the interim ordinance is enacted.

Adopted 10/6/2006.

Absent - Colvin Roy.

Z&P - Your Committee concurs in the recommendation of the Planning Commission granting the application of Metro Transit to vacate portion of Lyndale Ave N and 8th Ave N (#1472) for construction of an addition to an existing building at 560 6th Ave N, and to adopt the related findings prepared by the Department of Community Planning & Economic Development.

Your Committee further recommends passage of the accompanying resolution vacating said avenues.

Adopted 10/6/2006.

Absent - Colvin Roy.

Resolution 2006R-512, vacating a portion of Lyndale Ave N and 8th Ave N (vicinity of 560 6th Ave N), was adopted 10/6/2006 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2006R-512
By Schiff

Vacating a portion of Lyndale Ave N and 8th Ave N (#1472, in the vicinity of 560 6th Ave N).

Resolved by The City Council of The City of Minneapolis:

That those part(s) of Lyndale Avenue North and 8th Avenue North, as opened by the City of Minneapolis, are hereby vacated to wit:

"That part of Lots 10 & 11, Block 2, Bradford's Addition to Minneapolis, according to the recorded plat thereof, Hennepin County, Minnesota, which lies southwesterly, westerly, and northwesterly of Line A described below and which lies northerly, easterly, and southerly of a line described as commencing at the point of beginning of Line A described below; thence on an assumed bearing of North 71 degrees 36 minutes 42 seconds West, along said Line A, a distance of 31.73 feet to an angle point in said Line A; thence North 34 degrees 04 minutes 18 seconds West, along said Line A, a distance of 10.41 feet to the point of beginning of the line to be described; thence South 89 degrees 27 minutes 41 seconds West a distance of 26.51 feet; thence North 0 degrees 32 minutes 19 seconds West a distance of 131.62 feet to the North line of said Lot 11; thence on a bearing of East, along said north line of Lots 11 and 10, a distance of 42.23 feet to the intersection with said Line A and said line there terminating."

"Line A is described as beginning at the southeast corner of said Lot 10; thence northwesterly to the point of intersection of a line run parallel with and distant 10 feet northerly of the south line of said Lot 10 with a line run parallel with and distant 30 feet westerly of the east line of said Lot 10; thence run northwesterly to a point on the west line of said Lot 10, distant 40 feet north of the southwest corner of said Lot 10; thence run northwesterly to the point of intersection of a line run parallel with and distant 40 feet southerly of the north line of Lot 11, said Block 2, with a line run parallel with and distant 60 feet westerly of the east line of said Lot 10; thence run northeasterly to a point on said north line of Lot 10, distant 20 feet west of the northeast corner of said Lot 10 and said Line A, there terminating."

Adopted 10/6/2006.

Absent - Colvin Roy.

Z&P - Your Committee concurs in the recommendation of the Planning Commission granting the application of Steve Holt to vacate 6-foot section of Buchanan St NE (#1498) to provide land for a proposed expansion of a one-car garage at 1401 29th Ave NE, and to adopt the related findings prepared by the Department of Community Planning & Economic Development.

Your Committee further recommends passage of the accompanying resolution vacating said street.

Adopted 10/6/2006.

Absent - Colvin Roy.

Resolution 2006R-513, vacating a 6-foot section of Buchanan St NE, Pochahontas Heights Addition, Minneapolis, Hennepin County, Minnesota (vicinity of 1401 29th Ave NE), was adopted 10/6/2006 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2006R-513

By Schiff

Vacating a 6-foot section of Buchanan St NE, Pochahontas Heights Addition, Minneapolis, Hennepin County, Minnesota (#1498, in the vicinity of 1401 29th Ave NE).

Resolved by The City Council of The City of Minneapolis:

That six (6) foot section of Buchanan Street NE as follows: beginning at the southwest corner of Lot 16, Block 5, Pochahontas Heights Addition to Minneapolis, thence west 6 feet on a line extended from the south line of said Lot 16, then north 80 feet , then east 6 feet to the northwest corner of Lot 17, said addition, then south to the point of beginning, Hennepin County, Minnesota is hereby vacated.

Adopted 10/6/2006.

Absent - Colvin Roy.

Z&P - Your Committee, having under consideration the environmental review process for the 602 First Street North Renovation, which entails renovation of an existing, one-story warehouse into a residence and studio, located at 602 1st St N, now recommends that development of an Environmental Impact Statement not be ordered, therefore making a negative declaration, and that the Findings of Fact and Record of Decision set forth in the Department of Community Planning and Economic Development staff report be adopted.

Adopted 10/6/2006.

Absent - Colvin Roy.

MOTIONS

Ostrow moved that the regular payrolls for all City employees under City Council jurisdiction for the month of November, 2006, be approved and ordered paid subject to audit by the Finance Officer. Seconded.

Adopted 10/6/2006.

Absent - Colvin Roy.

Johnson moved to appoint Council Member Hodges to the Minneapolis Public Library Advisory Board to represent the City Council and to appoint Council Member Colvin Roy as the alternate. Seconded.

Adopted 10/6/2006.

Absent - Colvin Roy.

RESOLUTIONS

Resolution 2006R-514, observing October as Domestic Violence Awareness Month, was adopted 10/6/2006 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2006R-514

**By Ostrow, Gordon, Hofstede, Johnson, Samuels, Lilligren,
Goodman, Glidden, Schiff, Remington, Benson, Colvin Roy and Hodges**

Observing Domestic Violence Awareness Month.

Whereas, in the United States a woman is the victim of domestic violence every nine seconds; and
Whereas, half of all women in this country are abused at least once in their lifetime; and
Whereas, women daily seek emergency medical assistance because of domestic violence; and
Whereas, in 2005, the City of Minneapolis received over 20,000 domestic-related 911 emergency calls; and

Whereas, the Minneapolis-Hennepin County Homeless Task Force found that more than half of the homeless families were forced out of their homes by domestic violence; and

Whereas, domestic violence ravages our community; and

Whereas, every person in Minneapolis should feel safe and secure from violence, threats and abusive behavior; and

Whereas, the City of Minneapolis is committed to reducing violence in our homes, as well as on our streets; and

Whereas, October is Domestic Violence Awareness month;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That The City of Minneapolis reaffirms its commitment to helping victims of domestic violence feel safe and secure in our city and to ensuring that domestic crimes are vigorously prosecuted and domestic abusers are held accountable.

Adopted 10/6/2006.

Absent - Colvin Roy.

Resolution 2006R-515, supporting the Minneapolis Energy Challenge, was adopted 10/6/2006 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2006R-515

**By Ostrow, Gordon, Hofstede, Johnson, Samuels, Lilligren,
Goodman, Glidden, Schiff, Remington, Benson, Colvin Roy and Hodges**

Supporting the Minneapolis Energy Challenge.

Whereas, climate change is a major threat to the health and vitality of the City of Minneapolis; and
Whereas, the Mayor of Minneapolis was one of the first to sign the US Conference of Mayor's Climate Protection Agreement which commits to reducing greenhouse gas emissions at the local level; and

Whereas, the Center for Energy and the Environment is developing the Minnesota Energy Challenge in order to encourage residents to decrease their greenhouse gas emissions through energy efficiency and renewable energy options using a variety of tools including a website, energy fairs and technical tips; and

Whereas, the Minneapolis Energy Challenge can assist in meeting Sustainability Indicator Targets related to air quality, asthma morbidity, reduce greenhouse gas emissions, increased renewable energy, and increased downtown transportation mode split;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That the City enthusiastically supports the Minneapolis Energy Challenge and is grateful for the efforts being put forth by the Center for Energy and the Environment, partnering with other environmental and neighborhood organizations to decrease greenhouse gas emissions through energy efficiency and renewable energy options.

Adopted 10/6/2006.

Absent - Colvin Roy.

Resolution 2006R-516, opposing the expansion of the Big Stone II coal-fired power plant and the proposed new transmission lines to carry the power, was adopted 10/6/2006 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2006R-516

By Benson, Glidden, Gordon, Hofstede, Lilligren, Remington, Schiff, Hodges

Opposing the expansion of the Big Stone II coal-fired power plant and the proposed new transmission lines to carry the power.

Whereas, Global Climate Change has been acknowledged by the worldwide scientific community as an immediate and increasingly critical problem that must be addressed by reducing carbon dioxide emissions significantly without delay; and

Whereas, The Mayor has demonstrated Minneapolis' commitment on this issue by signing the U.S. Mayors Climate Protection Agreement and, by creating a sustainability plan, Minneapolis has demonstrated leadership by actively encouraging clean, renewable energy choices rather than unsustainable coal-fired plants; and

Whereas, the City of Minneapolis has passed a mercury reduction ordinance and fought hard for the Riverside Coal plant conversion, progress which would be diminished by the significant new emissions of mercury from the Big Stone II expansion; and

Whereas, harmful particulate matter and mercury from Big Stone II will routinely blow eastward and will significantly impact Minneapolis air quality; and

Whereas, the City of Minneapolis has committed, in its sustainability plan, to aggressively reducing its carbon dioxide emissions, and the projected 4.7 million tons or more of carbon dioxide the proposed Big Stone II expansion will emit would more than offset the City's proposed carbon reduction measures; and

Whereas, the estimated cost of construction for Big Stone II and associated transmission lines, costs which will ultimately be born by the ratepayers, have now mushroomed from \$1.2 billion to \$1.8 billion; and

Whereas, \$1.8 billion could be used to build approximately 1500 MW in wind power generating capacity, or more than double the capacity of Big Stone II; and

Whereas, ratepayers will face significant cost increases from carbon taxes predicted to be imposed on utility companies' coal-fired generators, as well as from the constantly rising cost of coal; and

Whereas, renewable energy alternatives to the proposed Big Stone II expansion and transmission lines do exist, and their fuel is clean and free, forever; and

Whereas, the Public Utilities Commission will be receiving public testimony on Big Stone II on October 16th, and public comments will be accepted until October 31st;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That the City of Minneapolis opposes the expansion of the Big Stone II coal-fired power plant and the proposed new transmission lines to carry the power.

Be It Further Resolved that the City of Minneapolis urges the Minnesota Public Utility Commission and the participating utilities to seriously examine alternatives that will create pollution-free, renewable energy whose generation will not emit the global warming gas carbon dioxide.

Adopted 10/6/2006.

Absent - Colvin Roy.

UNFINISHED BUSINESS

PS&RS - Your Committee, to whom was referred an ordinance amending Title 11, Chapter 223 of the Minneapolis Code of Ordinances relating to *Health and Sanitation: Drugs*, restricting consumer access to aerosol paint by requiring that spray paint be stored behind a counter or in a locked cabinet; and that signage be displayed that states current City ordinance that spray paint may not be sold to people 17 years of age or younger, now recommends that said ordinance be given its second reading for amendment and passage.

Your Committee further recommends that staff be directed to convene a task force, to include hardware store owners, neighborhood representatives most affected by graffiti and staff from the Department of Regulatory Services, the Police Department, and the City Attorney's Office, with a report back to Committee in three cycles (October 11th) with recommendations for retail practices that keep spray paint away from juveniles, including options regarding storage of spray paint in retail stores, and suggestions for changes in State law that would increase penalties for graffiti offenses.

Schiff moved that the report be referred back to the Public Safety & Regulatory Services Committee. Seconded.

Adopted upon a voice vote 10/6/2006.

Absent - Colvin Roy.

VETOED BY THE MAYOR

T&PW & W&M/Budget - Your Committee, to whom was referred an ordinance amending Appendix G of the Minneapolis Code of Ordinances relating to *Bus Stop Shelters Franchise*, transferring the Transtop bus shelter franchise to CBS Outdoor and extending the termination date of the franchise to 2015, now recommends:

T&PW - That said ordinance be sent forward without recommendation.

W&M/Budget - That said ordinance, as revised at Ways & Means/Budget on September 18, 2006, be given its second reading for amendment and passage.

Further, that staff be directed to report back to the Ways & Means/Budget Committee in two cycles (October 16, 2006) with determinations from the City Attorney's Office and the Finance Department on the extent to which the City would have the authority to impose the living wage ordinance on franchises, the resulting financial impact, and whether an ordinance amendment would be necessary.

Lilligren assumed the Chair.

Johnson moved that the City Council Rule 1(f), requiring that amendments be submitted in writing, be suspended. Seconded.

Adopted upon a voice vote.

Absent - Colvin Roy.

Johnson moved to amend the report to delete the Transportation & Public Works Committee recommendation and approve the Ways & Means/Budget Committee recommendation and further amend the second paragraph of Section 12(a) of Appendix G which reads:

"Notwithstanding subsection (3) above, the franchise fee for the years 2000, 2001 and 2002 shall be no less than twelve (12) percent, and shall be thirteen (13) percent for 2003 through ~~2009~~ 2015."

To read as follows:

"Notwithstanding subsection (3) above, the franchise fee for the years 2000, 2001 and 2002 shall be no less than twelve (12) percent, ~~and shall be thirteen (13) percent for 2003 through 2009, and thirteen and one-half (13-1/2) percent for 2010 through 2015.~~" Seconded.

Glidden moved that the report be referred back to the Transportation & Public Works Committee. Seconded.

Schiff called the question. Seconded.

Adopted upon a voice vote.

Absent - Colvin Roy.

Glidden's motion lost. Yeas, 6; Nays, 6 as follows:

Yeas - Ostrow, Schiff, Glidden, Benson, Goodman, Gordon.

Nays - Hofstede, Lilligren, Remington, Hodges, Samuels, Johnson.

Absent - Colvin Roy.

Johnson's motion was adopted upon a voice vote.

Absent - Colvin Roy.

The report, as amended, was adopted 10/6/2006. Yeas, 8; Nays, 4 as follows:

Yeas - Hofstede, Lilligren, Remington, Benson, Hodges, Samuels, Gordon, Johnson.

Nays - Ostrow, Schiff, Glidden, Goodman.

Absent - Colvin Roy.

Vetoed by Mayor Rybak 10/12/2006.

(See Unfinished Business next meeting)

Johnson resumed the Chair.

T&PW & W&M/Budget - Your Committee recommends that the proper City officers be authorized to negotiate and enter into a funding agreement with the Minneapolis School Board for the joint funding of Alternative Stormwater Management Projects to be funded by available appropriation from the 2005 Combined Sewer Overflow Project (CSO) and the 2005 and 2006 Alternative Stormwater Projects. The amount to be funded from these revenue sources is \$2,347,750 to be applied to the following Alternative Stormwater Management Projects:

a) Folwell Middle School (36th St & 20th Av) - Amount \$1,081,750 (SW005/\$681,750, SW030/\$400,000);

b) Longfellow Elementary School (31st St & 31st Av) - Amount \$215,000 (SW005/\$115,000, SW030/\$100,000);

c) Sanford Elementary School (35th St & 42nd Av) - Amount \$338,000 (SW005/\$238,000, SW030/\$100,000);

d) Ramsey International Fine Arts School (49th St & Nicollet Av) - Amount \$321,000 (SW005/\$221,000, SW030/\$100,000); and

e) Washburn High School (201 W 49th) - Amount \$392,000 (SW005/\$292,000, SW030/\$100,000).

Adopted 10/6/2006.

Absent - Colvin Roy.

Lilligren moved to adjourn to Room 315 City Hall to consider the matters of a) Jennifer Cornell v. City of Minneapolis, et al., United States District Court, File No. 06-1052 MJD/SRN; b) Kathleen Mullen v. City of Minneapolis, et al., United States District Court, File No. 06-1205 MJD/SRN; and c) State of Minnesota v. Daniel Alan Kuhlman. Seconded.

Adopted upon a voice vote 10/6/2006.

Absent - Colvin Roy.

Room 315 City Hall

Minneapolis, Minnesota

October 6, 2006 - 12:50p.m.

The Council met pursuant to adjournment.

President Johnson in the Chair.

Present - Council Members Hofstede (out at 1:15 p.m.), Ostrow, Schiff, Lilligren (in at 12:51 p.m.), Glidden, Remington, Benson, Hodges, Samuels, Gordon (in at 12:51 p.m.), President Johnson.

Absent - Council Members Colvin Roy, Goodman.

City Attorney Jay Heffern summarized the State of Minnesota v. Daniel Alan Kuhlman lawsuit.

Heffern stated that the meeting may be closed for the purpose of discussing attorney-client privileged matters involving the a) Jennifer Cornell v. City of Minneapolis, et al., United States District Court, File No. 06-1052 MJD/SRN; and b) Kathleen Mullen v. City of Minneapolis, et al., United States District Court, File No. 06-1205 MJD/SRN lawsuits.

At 1:16 p.m., Remington moved that the meeting be closed. Seconded.

Adopted upon a voice vote.

Absent - Colvin Roy, Goodman.

Present - Council Members Hofstede (in at 1:17 p.m.), Ostrow, Schiff, Lilligren (in at 12:51 p.m.), Glidden, Remington, Benson (out at 1:25 p.m.), Hodges, Samuels, Gordon (in at 12:51 p.m.), President Johnson.

Absent - Colvin Roy, Goodman.

Also present - R.T. Rybak, Mayor; Jay Heffern, City Attorney; Peter Ginder, Deputy City Attorney; James Moore, Assistant City Attorney; James Clack, Deputy Fire Chief; Peter Wagenius and Sherman Patterson, Mayor's Office; Merry Keefe, City Clerk; and Peggy Menshek, City Clerk's Office.

Moore summarized the Jennifer Cornell v. City of Minneapolis, et al. and Kathleen Mullen v. City of Minneapolis, et al. lawsuits from 1:15 p.m. to 1:55 p.m.

At 1:55 p.m., Lilligren moved that the meeting be opened. Seconded.

Adopted upon a voice vote.

Schiff moved that the City Attorney be authorized to settle the case of Jennifer Cornell v. City of Minneapolis, United States District Court File No. 06-1052 MJD/SRN as follows:

The City agrees to promote Plaintiff to the position of Battalion Chief as soon as the third vacancy occurs in the rank of Battalion Chief on the current eligibility list, but in any event no later than 24 months from September 12, 2006; and

The City agrees, upon receipt from Plaintiff of an accuracy and completeness challenge under the Minnesota Government Data Practices Act, to expunge all records related to a particular verbal warning to Plaintiff; and

The City agrees that Plaintiff will not be bumped from the position of Battalion Chief in the event that Bonnie Bleskachek returns to that rank; and

The City will pay Plaintiff a total of \$65,000.00, payable from Fund/Org 6900 150 1500 2800, to be issued in separate checks as and for back and/or front pay; emotional distress damages and attorney's fees.

The City Attorney's Office is hereby authorized to execute any documents necessary to effectuate this settlement. Seconded.

Adopted 10/6/2006.

Absent - Colvin Roy, Benson, Goodman.

Schiff moved that the City Attorney be authorized to settle the case of Kathleen Mullen v. City of Minneapolis, United States District Court File No. 06-1205 MJD/SRN as follows:

The City agrees to promote Plaintiff to the position of Battalion Chief effective April 1, 2006; and

The City agrees that Plaintiff will not be bumped from the position of Battalion Chief in the event that Bonnie Bleskachek returns to that rank; and

The City will pay Plaintiff a total of \$29,000.00, payable from Fund/Org 6900 150 1500 2800, to be issued in separate checks as and for back and/or front pay, lost overtime, emotional distress damages and attorney's fees.

The City Attorney's Office is hereby authorized to execute any documents necessary to effectuate this settlement. Seconded.

Adopted 10/6/2006.

Absent - Colvin Roy, Benson, Goodman.

OCTOBER 6, 2006

The adjourned session of the City Council meeting was tape recorded with the tape on file in the office of the City Clerk.

Hodges moved to adjourn. Seconded.
Adopted upon a voice vote 10/6/2006.
Absent - Colvin Roy, Benson, Goodman.

Merry Keefe,
City Clerk.

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